

ESTTA Tracking number: **ESTTA643956**

Filing date: **12/11/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057023
Party	Defendant John "Giovanni" Aragona
Correspondence Address	JAMIE N PITTS THE LAW OFFICE OF JAMIE N PITTS 887 West Marietta Street, NWSuite M-105 Atlanta, GA 30318 UNITED STATES jamienpitts@jnplawfirm.com
Submission	Defendant's Notice of Reliance
Filer's Name	Jamie N. Pitts
Filer's e-mail	jamienpitts@jnplawfirm.com
Signature	/Jamie N. Pitts/
Date	12/11/2014
Attachments	NOR A-D.pdf(5092615 bytes)

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BULKY DOCUMENT

(FILED ON PAPER - ENTIRE DOCUMENT EXCEEDS 100 PAGES)

Proceeding No.	92057023
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Filing Date	12/11/14
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Part 1 of 2

92057023

Trademark Trial and Appeal Board

Delivered to:

The Trademark Assistance Center

Madison East, Concourse level Room C55

600 Dulany Street

Alexandria, VA 22314

Re: LuckyU Enterprises v. Aragona - Cancellation Action No. 92057023

Dear Sir/Madam:

Enclosed please find Exhibits D and E for Respondent's Notice of Reliance. Exhibits D and E are highly confidential and should be treated as under seal.

Date: December 11, 2014

Respectfully submitted,

s/Jamie N. Pitts

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Florida Bar No. 72632

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Counsel for Registrant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 4220686
Mark: GIOVANNI'S ALOHA FOODS
Registration Date: October 9, 2012

In the matter of Trademark Registration No. 4224400
Mark: GIOVANNI'S SCAMPI MARINADE
Registration Date: October 16, 2012

In the matter of Trademark Registration No. 4232569
Mark: GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK
Registration Date: October 30, 2012

In the matter of Trademark Registration No. 4248595
Mark: GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE
Registration Date: November 27, 2012

LuckyU Enterprises, Inc.)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92057023
)	
John Aragona,)	
)	
Respondent.)	

RESPONDENT'S NOTICE OF RELIANCE

Respondent, by its undersigned attorney, pursuant to 37 C.F.R. §§ 2.122(a), 2.122(d), 2.122(e), 2.120(j), 2.120(j)(3)(i), and by stipulation of the parties, hereby gives notice of its intent to rely on the following evidence, which includes Discovery Depositions and Deposition Exhibits, Printed Publications, Interrogatory Responses, Admissions, Requests for Production Responses, Documents Produced by Petitioner, Documents Produced by Respondent, Stipulations by the Parties and Web Page Print-outs:

As set forth below, the following references show Respondent's priority, use, and ownership of the marks. Many of these documents and publications demonstrate Respondent's ownership of the marks and Petitioner's status as a licensee and support Respondent's licensee estoppel defense, among Respondent's other defenses as well. The following evidence also refutes Petitioner's claims against Respondent in connection with his actions before the PTO and in applying for registration of the marks at issue. The evidence below also establishes that Respondent has not abandoned his rights in the marks, nor has he ever intended to do so. The relevant page numbers are identified below.

Respondent intends on relying on the following evidence submitted by Petitioner in the Notice of Reliance it served October 6, 2014:

Registrations

Respondent's registrations at issue in this case and the accompanying file histories.
Registration Nos.: 4,220,686; 4,232,569; 4,248,595; and 4,224,400 (see Petitioner's Exhibit 1).

Applications

Petitioner's Applications asserted in the Petition to Cancel No. 92057023. Application Serial Nos.: 85/897,872 and 85/897,861. LuckyU Nos. 000001-000046 (see Petitioner's Exhibit

Petitioner's Applications abandoned in 2012, and the accompanying file histories.
Application Nos.: 85/219,370; 85/219,363; 85/201,288; and 85/201,283. LuckyU Nos. 001623-002062 (see Petitioner's Exhibit 2).

Exhibit A: Printed publications as described in 37 CFR § 2.122(e)

1. Article Title: "Hawaii's roadside stands offer up a smorgasbord of onolicious grinds"
Publication: Honolulu Star-Bulletin
Date Published: 5/29/1996

Relevance: This Article is relevant to Respondent's priority, use, and ownership of the mark Giovanni's "We really mean it" Hot and Spicy Sauce. It also shows consistency in menu items offered by "Giovanni" as the writer states the truck also features a dozen shrimp scampi-style (marinated in lemon, garlic and white wine) and grilled (flavorful and crispy), at \$10 a plate including two scoops of rice. The article is also relevant to Respondent's fame and public recognition as being associated with of the sales of goods and services under the Giovanni's family of marks started prior to the Asset Purchase Agreement in 1997.

Source: <http://archives.starbulletin.com/96/05/29/features/story1.html>

Bates Range: JA000290- JA000294

2. Article Title: Hot Stuff! Local sauces win top awards

Publication: Honolulu Star-Bulletin Stuffs

Date Published: Wednesday, March 3, 1999

Relevance: Shows Respondent's priority, use, and ownership of the mark Giovanni's "We really mean it" Hot and Spicy Sauce. Also shows that as of 3/3/1999 the sauces were being sold at It's Chili in Hawaii.

Source: <http://archives.starbulletin.com/1999/03/03/features/stuffs.html>

Bates Range: JA000004-JA000005

3. Article Title: Choose Your Weapon

Date Published: 05/05/1999

Publication: Honolulu Star Bulletin

Relevance: Shows Respondent's priority, use, and ownership of the mark Giovanni's "We really mean it" Hot and Spicy Sauce

Source: <http://archives.starbulletin.com/1999/05/05/features/index.html>

Bates Range: JA000295

4. Article Title: Retail on wheels: Catering to hunger in a hurry. (Giovanni's Aloha Shrimp)

Publication: Pacific Business News

Date Published: June 29, 2001

Relevance: Mr. James Goodrich, a member of Petitioner, makes a statement currently against interest in this article with regards to Respondent's intent to franchise food truck business several years before article was written. This article is relevant to Respondent's licensee estoppel defense and contractual estoppel defense.

Source: http://www.accessmylibrary.com/coms2/summary_0286-10342228_ITM

Bates Range: JA000411- JA000412

Exhibit B: Official Records as described in 37 CFR § 2.122(e)

1. State of Hawaii Trademark Application filed in 1997
2. Giovanni's Aloha Foods 1998 Department of Taxation State of Hawaii - Tax License
3. Giovanni's Aloha Foods, LLC Articles of Organization filed 1998 in the State of Hawaii
4. Giovanni's Aloha Shrimp, LLC Articles of Organization filed 1998 in the State of Hawaii
5. Giovanni's Aloha Foods, LLC Articles of Organization filed 2010 in the State of Florida
6. Giovanni's Aloha Shrimp State of Hawaii Trade Name Application filed in 2010
7. Giovanni's Aloha Foods, Inc. Articles of Incorporation filed 2011 in the State of Florida
8. Hawaii Health Inspections Reports

Exhibit C: Discovery Responses pursuant to 37 CFR § 2.120(j) and TBMP § 704.10

Pursuant to 37 C.F.R. §§ 2.120(j) and 2.122, Respondent hereby makes of record Petitioner's Responses to Respondent's First Set of Interrogatories (served on September 27,

2013; a true and correct copy is attached hereto as Exhibit C); and Petitioner's Responses to Respondent's First Set of Requests for Admission (served on September 24, 2013; a true and correct copy is attached hereto as Exhibit C).

Respondent will rely on the following Interrogatory Response Nos.:

1; 2; 3; 8; 9; 11; 12; 14; 15; 17; 18; 20; 21; 22; 24; 25; 26; 27; 28 (See Exhibit C).

Respondent will rely on the following Admission Response Nos.:

35; 62; 63; 71; 72; 75; 77; 81; 83 (See Exhibit C).

D. Web Page Print-Outs

Webpage and Relevance	Date	Bates Range
http://giovannissauces.com/buy-giovannis-sauces-online http://giovannissauces.com/about Relevant to show Respondent's priority, use, and ownership of the marks, to refute Petitioner's deceptiveness, misrepresentation of source, and false association claims, and relevant to show Respondent has not abandoned his rights in the Giovanni's marks, nor has he ever intended to do so.	12/10/14	JA000347- JA000349
http://www.giovannishrimptruck.com/history.php Relevant to refute Petitioner's deceptiveness, misrepresentation of source, and false association claims, and to Respondent's licensee estoppel defense.	8/10/13	JA000241- JA000243
http://www.yelp.com/biz/giovannis-shrimp-truck-kahuku Relevant to refute Petitioner's deceptiveness, misrepresentation of source, and false association claims, and to Respondent's licensee estoppel defense.	8/12/13	JA000227
http://www.spurfect.com/companies/giovannis-aloha-foods.html Relevant to show Respondent's priority, use, and ownership of the marks also establishes that Respondent has not abandoned his rights in the Giovanni's marks, nor has he ever intended to do so.	4/17/13	JA000229- JA000331
https://www.youtube.com/channel/UC9VyV6bvALUaw7lqhWuWQ_A Relevant to show Respondent's priority, use, and ownership of the marks, to refute Petitioner's deceptiveness, misrepresentation of source, and false association claims, and relevant to show Respondent has not abandoned his rights in the Giovanni's marks, nor has he ever intended to do so.	6/13/14	JA000639

Exhibit E: Discovery Deposition of Respondent Excerpts under 37 CFR § 2.120(j)(4)

Pursuant to 37 C.F.R. §2.120(j)(4), Respondent will rely on the following portions and exhibits from the discovery deposition of Respondent, John Aragona, dated June 18, 2014, which should in fairness be considered so as to make the portions submitted by Petitioner not misleading (page:line):

- 26:5-31:20 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony on pages 13-23 and 32-37 offered by Petitioner, since the testimony offered by Petitioner would be confusing, misleading and incomplete without this portion of the deposition; and also since Exhibit 3 of the Deposition has been offered by Petitioner without any testimony reflecting its introduction into the record. This portion of the deposition is relevant to show how Respondent started out in the restaurant business.
- Page 38: this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner as it is a continuation of Respondent's answer to a question asked on page 37 line 15. This portion of the deposition is relevant to show how the Limited Liability Companies were started and also details Respondent's relationship with Mr. Goodrich.
- Page 54: this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner as it is a continuation of Respondent's answer to a question asked on page 53 line 24. This portion of the deposition is relevant to show how Respondent first used the Giovanni's Original White Shrimp Truck mark on signs used for advertising and promoting the business and why the signs were constructed and used the way in which they were.

- Page 68: this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner as it is a continuation of Respondent's answer to a question asked on page 67 line 18, excluding page 68 renders the portions of the same answer on pages 67 and 69 misleading.
- 71:22-72:25 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner as it is a continuation of Respondent's answer to a question asked on page 70; it clarifies previous and later testimony; and contains the question and first part of the answer continued on page 73 of the testimony offered by Petitioner.
- 77-79:24 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony on pages 73-76 and 80 offered by Petitioner, since the testimony offered by Petitioner would be incomplete without this portion of the deposition.
- 81-82 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner, as Page 81 completes an answer Respondent provided at 80:24; Page 81 and 82 also clarify and correct Respondent's previous testimony related to what was meant in earlier questions by Counsel for Petitioner related to sales of shrimp and restaurant services; Page 82 also completes and clarifies the testimony at Page 83 offered by Petitioner as it contains the question and first part of the answer continued on page 83 and the testimony offered by Petitioner would be incomplete without this portion of the deposition.
- Page 84 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner, specifically Respondent corrects an answer provided on Page 83 line 11 related to the name that Respondent uses on

banner advertising.

- 100:2- 100:18 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner at Page 99 since the testimony offered by Petitioner would be incomplete without this portion of the deposition.
- Page 121 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner, as Page 121 completes an answer Respondent provided at Page 120 line 17, the testimony offered by Petitioner would be incomplete without this portion of the deposition.
- Page 133 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner, as Page 133 contains the question and first part of the answer continued on page 134, the testimony offered by Petitioner would be incomplete without this portion of the deposition.
- Page 169-Page 170 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner, as Page 169 contains the answer to a question asked at 168:24 and an explanation of the “visit that we’re looking at” that is discussed on page 171 line 19 of the testimony offered by Petitioner; as Page 170 contains the question and first part of Respondent’s answer that is continued on page 134 the testimony offered by Petitioner would be incomplete without this portion of the deposition.
- Pages 174:17-181:8 - this portion of the deposition should in fairness be considered in order to make complete and not misleading the testimony offered by Petitioner, as this portion of the deposition clarifies and corrects Respondent’s previous testimony offered by Petitioner at Page 99; and further clarifies and completes earlier testimony provided by Respondent regarding terms of the agreements between the parties, as such the testimony offered by Petitioner would

be incomplete without this portion of the deposition.

(see confidential Exhibit E.)

F. Documents Admissible Pursuant to Stipulation by the Parties

The following evidence is admissible pursuant to a Stipulation by the Parties Regarding Introduction of Evidence dated June 30, 2014 at Docket No.14. The documents Respondent intends to rely upon are included in confidential Exhibit F.

The following Testimony Depositions will be filed separately

- G. The Troy Nitsche Testimonial Deposition in its entirety dated December 3, 2014, including exhibits thereto will be filed separately with the Trademark Trial and Appeal Board).
- H. The Alex Sonson Testimonial Deposition in its entirety dated December 3, 2014, including exhibits thereto will be filed separately with the Trademark Trial and Appeal Board
- I. The John Aragona Testimonial Deposition dated December 11, 2014, in its entirety, including exhibits thereto will be filed separately with the Trademark Trial and Appeal Board).

Enclosures:

- A. Printed Publications
- B. Official Records
- C. Discovery Responses
- D. Web Page Print-Outs
- E. Additional Excerpts from Discovery Deposition of John Aragona
- F. Stipulated Documents Produced by Respondent

Date: December 11, 2014

Respectfully submitted,

s/Jamie N. Pitts

Jamie N. Pitts

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Counsel for Registrant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **NOTICE OF RELIANCE** was served on December 11, 2014 to Petitioner's counsel via email as follows:

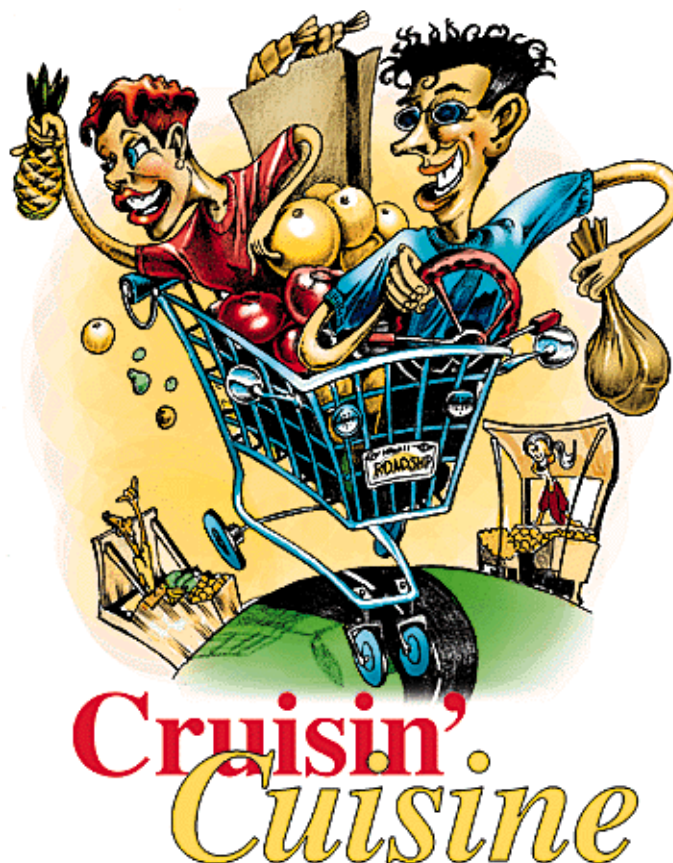
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s/Jamie N. Pitts
Jamie N. Pitts

Exhibit A: Printed Publications

ROAD FOOD



Hawaii's roadside stands offer up a smorgasbord of onolicious grinds

Illustration by Kevin Hand
By Catherine Kekoa Enomoto
Star-Bulletin

CRUISIN' is a Hawaii tradition. So's eating. Combining the two - driving around the island while finding great grinds along the roadsides - is a natural.

To wit, fresh-picked corn, pickled mango, the ubiquitous huli-style chicken and, as the summer fishing season gains momentum, more and more freshly caught aku and ahi.

The Star-Bulletin recently took a couple of drives around Oahu and compiled a top 10 list of roadside

food finds.

If you go driving for grinds, be advised that some of these food vendors may or may not be where we found them - they move around or sometimes take a day off. We suggest you take along a cooler to keep produce fresh and perishables safe, bottled water to cleanse the palate and slake the thirst, a roll of paper towels or napkins to mop up drips and a trash receptacle for wrappers, peelings and miscellaneous. And, of course, a big or little wad of small bills, depending on hunger level.

Ready, set, "go and grind!"

PHOTOS BY KEN IGE, STAR-BULLETIN



From left, Sam Osborne, Danny Sadenio and Darrell Bajo go for the burn of hot and spicy shrimp in Kahuku.

No. 10: North Shore pineapple, Kahuku papaya.

The North Shore, from Haleiwa to Kawela, is a hotbed of fresh fruit and vegetable stands. And the best buy, day in and day out, is big, luscious, field-ripened pineapple for \$2 each. Also, harvest papaya, especially the rare sunrise variety for \$1.25 apiece at Auntie 'Berta's stand fronting The Mill in Kahuku.

No. 9: Pickled mango.

It's a pervasive product during this peak of green mango season. One taster's choice is li hing pickled mango sold from a truck parked on the beach across from the Nanakuli 7-Eleven store. These lightly pickled mango strips are white with a tinge of pink and a subtle li hing flavoring - just right as a namasu-like condiment. Cost: \$5 per one-pound (resealable plastic) bag.

If you prefer a sweeter, stronger li hing taste, then Kawika and Noe Lopes of Nanakuli Homestead are just down the road, opposite the Hakimo Road sign. They make and sell out 15 pounds daily. Cost: \$6 a pound bag.

Also, "Mango Willy" Herron of Haleiwa claims to have the best. His version has sharper vinegar and mango flavors, at \$6 per pound bag across from Haleiwa Beach Park.

Dorothy Oga, just townside of Waimea Bay, says people come from all over the island for her \$5 pickled mango - give it a try.

No. 8: Waimea mango bread.

Although we didn't try her pickled mango, we did sample Oga's moist, rich homemade mango bread, at \$2 a mini loaf. She and her 'ohana also offer homemade corn, pineapple and pumpkin breads, besides assorted cookies and 25-cents-a-pair earrings.



Jerome Freitas' pork or chicken lau lau is a must if you're going through Hauula.

No. 7: Hauula laulau.

A must-eat on any culinary crusade is Hauula laulau at \$2.50 each. The bundles are juicy, still hot from the pot at noontime, wrapped in ti leaves (not foil), and bursting with Waihee Valley luau leaves plus pork or chicken. Fresh poi and kulolo sell out quickly. Proprietor Jerome Freitas is parked opposite Hauula Beach Park every other weekend. His 140-pound Rottweiler is as stoic as Freitas is loquacious.

No. 6: North Shore smoothie.

A funky white Kahuku Shave Ice Co. lunchwagon offers Island Tropical Fruit Shakes at points along the road between Haleiwa and Kawela. Proprietor Jay Hix whips up a papaya-banana-coconut model that's wonderfully creamy and nectareous for \$3.

No. 5: Nanakuli pasteles.

Linda Seals' pasteles are a sumptuous combination of grated green Chinese banana, pork chunks, mild spices and black olives. She makes the labor-intensive Puerto Rican specialty out of sheer creative expression. It's her mother-in-law's revered recipe and worth the drive to Nanakuli; \$2 each, next to Kawika's pickled mangoes (No. 9).

No. 4: Kahuku tomatoes.

Ingenious vendor Rick Troutman of Wahiawa has amassed a panoply of produce, such as Punaluu bananas, Kahuku cucumbers, spoon-soft or hard coconuts, Waialua oranges, Wahiawa plain

pineapples and - the most delectable treasure on this visit - vine-ripened Kahuku tomatoes for 75 cents each. He dispenses one-liners with Haleiwa avocados, at the end of Kunia Road between Wheeler and Schofield bases.



Rick Troutman has a tent to keep his fruits and vegetables - and himself - cool between Wheeler and Schofield bases.

No. 3: Waimanalo corn.

The back of a Golden Melon Farm pickup brims with freshly harvested ears for sale in the parking lot of Frankie's Drive Inn at Waimanalo. It's a popular hub from 9:30 a.m. daily during corn season. Regular sweet corn is \$2.50 for a bag of five large or up to 12 small ears.

No. 2: Kahuku corn.

Nos. 2 and 3 may be interchangeable, depending on the tides, the alignment of the stars or one's taste. Kahuku kernels appeared bigger and yellower than the Waimanalo strain's. The succulent ears are good raw or cooked, at about \$2.50 for four ears. Several roadside stands preside from Turtle Bay to Kahuku.

And, No. 1: Hot and spicy shrimp.

OK, Road Warriors, this adventure separates the macho from the meek. You may think you've tasted hot in your lifetime, but on a scale of 1 to 10, Giovanni's "We really mean it" hot and spicy shrimp rates a 12! These hellish morsels are Kahuku shrimp with Mozambique chile spicing.

Giovanni also features a dozen shrimp scampi-style (marinated in lemon, garlic and white wine) and grilled (flavorful and crispy), at \$10 a plate including two scoops of rice.

"It's worth it," said Darrell Bajo of Wahiawa, who downed a hot and spicy plate between quick intakes of breath to cool his seething palate.

Mr. and Mrs. "G," the New Jersey transplant proprietors, operate their white shrimpmobile fronting The Mill in Kahuku, and just opened a second shrimp wagon at Waimea Bay on a trial basis through June.



The Waimanalo corn lady's truck is a regular stop for folks such as Eleanor Dowling of Kailua.

Other road (and off-road) stopovers of interest include Maili Church of the Nazarene's bountiful plate lunches of grilled chicken, Samoan specialties, macaroni salad and rice for \$7; Richard's (Au) Farm selling balut (partially formed duckling inside an egg - a Filipino delicacy) in Nanakuli; and Sonny Baquil's fresh frozen opihi for \$20 for a one-pound, vacuum package, or \$130 for a gallon-size plastic tub, at the Kailua end of Waimanalo town.

The Related Story:

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Do it!
★ MOVIE
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Wednesday,
May 5, 1999

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Wednesday, May 5, 1999

CHOOSE YOUR WEAPON

By Betty Shimabukuro
Star-Bulletin



Forget Tabasco. Buy local. Satisfy your hot tooth with a Hawaii-made pepper sauce. Not only will you spike your food, but in many cases you'll get a taste of the islands as well -- a little ogo flavoring, a touch of mango or lilikoi, ginger or miso.

Local hot sauces are a thriving industry, being produced from Honokaa to Waialae, in temperature levels from mild to painfully hot. They are available at many supermarkets, specialty food stores and Longs Drug Stores. But the most comprehensive selection is at It's Chili in Hawaii, 2080 S. King St. (945-7070), a tiny storefront dedicated to the proposition that a good meal is a spicy meal.

Co-owner Ken Martinez helped compile this chart of hot sauces, comparing them against the known quantity -- Tabasco. If you're thinking of trying one out, but aren't sure which one to take a chance on, this should help. If you need *more* help, stop by Martinez's store. He'll give you a sample of any sauce, served up on a tiny spoon, cup of water



Wednesday, March 3, 1999



Hot Stuff!

Local sauces win top awards

Three Hawaii-made sauces have won national recognition -- Scovie Awards from Fiery Foods Magazine.

They were selected from among 450 products -- including sauces, salsas, condiments, dressings, seasonings, oils, even candies and pancake mixes. The emphasis was not on heat alone, but also on flavor blends and palatability.

The Scovies take their name from the Scoville unit, which measure the amount of capsaicin in a chile

to determine its hotness.

Giovanni's Aloha Foods in Haleiwa won first place in the pasta category for its Scampi Marinade and second place in the grilling sauce category for its Hot & Spicy Sauce. Hawaiian Kine won third-place in the dressings category for Oriental Three Cracked Pepper Dressing.

All the sauces are available at It's Chili in Hawaii, 2080 S. King St. Call 945-7070.



Kidney Foundation offers screenings

According to the National Kidney Foundation of Hawaii, this state has a rate of kidney disease 30 percent higher than the rest of the nation.

To raise awareness during March, "Kidney Month," the foundation will be offering free screenings:

- Saturday -- Ala Moana Center community booth (near Wet Seal), and at Windward Mall (under escalators), 10 a.m. to 2 p.m.
- March 13 -- Pearlridge Center (Uptown), Mililani Town Center (in front of Mililani Town Florist) and Hawaii Kai Shopping Center (near Longs), 10 a.m. to 2 p.m.
- March 25 -- Fort Street Mall, 10 a.m. to 2 p.m.
- March 27 -- Waianae Mall (near Longs), 10 a.m. to 2 p.m.

Risk factors for kidney disease include a family history of the disease, high blood pressure, diabetes, frequent urinary tract infections and drug and alcohol abuse.

Call 593-1515.



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Pacific Business News**Retail on wheels: Catering to hunger in a hurry (Giovanni's Aloha Shrimp)**

Pacific Business NewsK | June 29, 2001 | Cain, Christy L. | [CopyrightK](#)

Pacific Business NewsK

Giovanni's Aloha Shrimp -- the "original white shrimp truck" on the North Shore -- has notoriety like that ofK Pipeline surf break and Matsumoto's Shave Ice. Signatures cover it from hood to bumper with namesK including Jason Scott Lee, Sarah Jessica Parker and the cast and crew of "Godzilla."K

But it's not the famous names people from as far as Australia and China are coming to see, it's the world-K renowned, shrimp scampi. Both the marinade and the truck have gained such attention that ConnieK Aragona, founder of Giovanni's Shrimp Truck, has branched out and started two new companies: GiovanniK Aloha Food LLC and Giovanni Aloha Shrimp LLC.K

In 1994, Aragona started the lunch wagon in Kahuku with little outside support. After selling only \$20 ofK shrimp her first day, she began her first "marketing" campaign -- a fan blowing, the scent of garlic cooking inK olive oil to passersby. Her, strategy worked and within the year she was selling between 150 and 200 platesK of shrimp a day.K

Aragona says, "At first people said to me 'Who would ever buy shrimp from a wagon? Sell everything andK work at McDonald's,' but I didn't listen to them and I kept working." Her continuing faith is what kept theK business going and the people coming.K

Although the lunch wagon was a success, Aragona sold the daily operation in 1997 to her partner TroyK Nitsche but kept the ownership of the name -- Giovanni Aloha Shrimp LLC for future use.K

In the meantime, she began focusing on her other new business, Giovanni Aloha Food. "People wereK asking me to make sauces, so at night after work I would stay up until 2 a.m. making the sauces to give toK people. It came to a point where I thought I should just focus on the manufacturing of the sauces."K

Before her sauces -- a shrimp scampi marinade and a hot and spicy marinade -- were even on storeK shelves they had won awards. In 1999, her scampi marinade won first place for Cook-it-up Pasta at theK food industry's Scovie Awards and last year, the hot sauce placed second at the Scovie Awards.K

Since then, her hot sauce was voted No. 1 fiery food in the country by Chili Pepper Magazine and votedK second place overall in the People's Choice Awards. Aragona says the secret is in the spices. As a nativeK of South Africa, Aragona grew up using the gin duno spice as an antioxidant. Now she imports the spiceK from her hometown to use for the hot sauce marinade.K

Within the next few months, the sauces will be in the main supermarket chains in Hawaii, and within theK next few years an entire line of sauces, dips and even candies will be manufactured. Aragona says. TheK sauces are currently sold at The Compleat Kitchen, It's Chili in Hawaii, Pat's Island Delights and militaryK commissaries on Oahu.K

In recognizing that the novelty of the shrimp truck aided the success, Aragona also pursued franchisingK Giovanni Aloha. Shrimp LLC. With help from partner, attorney Jim Goodrich, publicity will begin thisK summer for the licensing and franchising of the company. A Harley-Davidson two-week-long event inK Sturgis, S.D., will be the first mainland event for Giovanni Aloha Shrimp. LLC.K

Goodrich says with more than 600,000 people attending it is a perfect opportunity to get the name out.K "These types of events are what we're hoping will lead to future franchising of the shrimp truck on theK mainland," says Goodrich.K

Although several years ago Aragona's exhusband John Aragona approached Goodrich with plans ofK franchising, Goodrich says he didn't think the company was ready at the time. "I wasn't comfortable goingK clown several different roads at once, when one wasn't established yet, so I told John to wait." He says theK company is ready now and a marketing campaign will soon follow.

Keeping overhead lowK

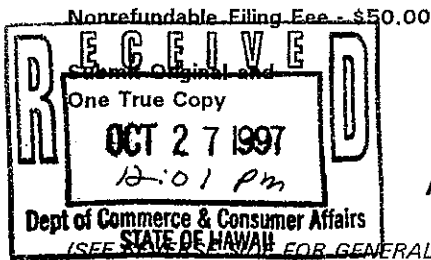
Low overhead and repeat customers is what allowed Aragona's business to excel quicklyK It's these factorsK that have allowed many lunch wagons in Hawaii to continue to be successful during difficult times. AllK across the island, one can find lunch wagons serving everything from plate lunches to shave ice. Down sideK streets, in parking lots and at the beach, lunch wagons for many years have been the source of quickK lunches and memories for both locals and tourists.K

Directly on the opposite side of the island from the shrimp truck is the Hula Dog, a lunch wagon that hasK

arked at the Ala Wai boat harbor parking lot for 12 years. Local surfers, construction workers, K
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; and nearby office workers are the majority clientele. K
The AccessMyLibrary advertising network includes:
og owner Philip Low left the University of Hawaii at Manoa after four years as a business K
ement major to begin his business. "The money has just been too good to go back," says Low. K

Exhibit B: Official Records

REVIEW



STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Business Registration Division
1010 Richards Street
Mailing Address: P. O. Box 40, Honolulu, Hawaii 96810

APPLICATION FOR REGISTRATION OF TRADEMARK

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

TN2 00045077 13-11/04/97 76.00

- Applicant's Name: JOHN V. ARAGONA
- Address: 59-618 Kawoa Place City Haleiwa State Hawaii Zip Code 96712
- Check one: Registration is ☒ New or ☐ Renewal.
- Status of applicant: (Check one) ☒ Sole Proprietor ☐ Corporation ☐ Partnership
☐ Unincorporated Association ☐ Other (Explain) _____
- If applicant is a corporation or partnership, list state or country of incorporation/formation: _____
- Trademark is specifically described as (See Note 1 on reverse side):
" Giovanni's Aloha Shrimp" CANCELLED
- Applicant is (check one): ☒ Originator of mark OR ☐ Assignee (one to whom mark was assigned by another)
- List the goods or manufactured articles which the trademark is being used to identify: Shrimp; marinade, and sauces.
- Describe how the trademark will be affixed to the goods or manufactured articles which are listed on line 7. (See Note 2 on reverse side):
4 R.B. signs labels on packages and bottles.

I certify, under the penalties set forth in Section 482-3.5, Hawaii Revised Statutes, that

CHECK ONE: ☒ I am the applicant OR ☐ I am the _____ of the applicant
(office held)

named in the foregoing application, and that the statements made in the application are true and correct to the best of my knowledge and belief.

John V. Aragona
(Signature)

10/24/97
(Date)

This application must be certified by the applicant if an individual, or by an officer if a corporation, or by a general partner if a partnership.
Signature must be in black ink.

(DEPARTMENTAL USE ONLY)

Certificate of Registration No. 211347

CERTIFICATE OF REGISTRATION OF TRADEMARK

CANCELLED

In accordance with the provisions of Chapter 482 of the Hawaii Revised Statutes, this Certificate of Registration is issued to secure
to the aforesaid applicant the use of the said TRADEMARK throughout the State of Hawaii for the term of ONE
year(s) from OCT 27 1997 to OCT 26 1998.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

OCT 27 1997

REGISTRATION OF A TRADEMARK WITH
THE DEPARTMENT DOES NOT GRANT
YOU OWNERSHIP OF THE TRADEMARK

John V. Aragona
Director of Commerce and Consumer Affairs



Search Details

Taxpayer Name:	ARAGONA JOHN/CONNIE
DBA Name:	GIOVANNIS ALOHA FOODS
Taxpayer ID:	W40755706-01
Former Taxpayer ID:	10597724
Business Location:	Po Box 390 Haleiwa, HI 96712-0390
Tax Type:	General Excise and Use
Tax Status:	Open
Business Began:	04/03/1998
<-Back New Search->	

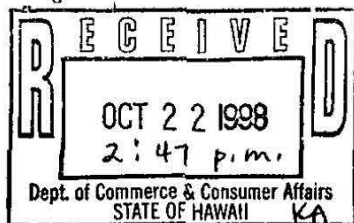
Last Updated on 06/05/2013

Copyright 2000 State of Hawaii, Department of Taxation
[Hawaii State homepage](#) || [Department of Taxation](#) || [Feedback](#)

07/16/201310011

BAC TNCN

FORM LLC-1
8/98



STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Business Registration Division
1010 Richards Street
Mailing Address: P.O. Box 40, Honolulu, Hawaii 96810

ARTICLES OF ORGANIZATION FOR LIMITED LIABILITY COMPANY

(Section 428-203, 428-902, Hawaii Revised Statutes)

Cash Doc.

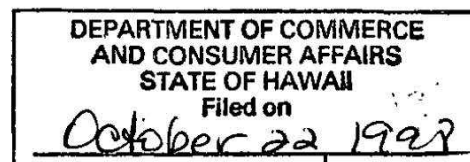
L13 00045130 2-10/22/98 100.00

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

The undersigned, for the purpose of (check one),

- ☒ Forming a limited liability company under the laws of the State of Hawaii (F/S100/L13)
☐ Converting to a limited liability company under the laws of the State of Hawaii (F/S100/L12)

do hereby make and execute these Articles of Organization:



The name of the company shall be:

Giovanni's Aloha Shrimp, L.L.C.

(The name must contain the words Limited Liability Company or the abbreviation L.L.C. or LLC)

II

The street address of the initial designated office in Hawaii is: 59-618 Kawoa Pl, Haleiwa HI 96712

(Mailing) P.O. Box 390, Haleiwa, Hawaii 96712

III

The company shall have and continuously maintain in the State of Hawaii an agent and street address of the agent for service of process on the company. The agent must be an individual resident of Hawaii, a domestic corporation, or another domestic limited liability company.

- a. The name of the company's initial agent for service of process is:

James L. Goodrich

- b. The street address of the agent for service of process is:

1717 Ala Wai Blvd. #1402, Honolulu, HI. 96815

IV

The name and address of each organizer is:

John V. Aragona

59-618 Kawoa Place, Haleiwa, HI. 96712

James L. Goodrich

1717 Ala Wai Blvd. #1402, Honolulu, HI. 96815

V

The period of duration is (check one):

☒ At-will

☐ For a specified term to expire on: _____
(Month Day Year)

2360490

VI

The company is (check one):

☐ Manager-managed, and the names and residence street addresses of the initial managers are listed below.
(Number of initial members: _____)

☒ Member-managed, and the names and residence street addresses of the initial members are listed below.

John V. Aragona

59-618 Kawoa Place, Haleiwa, HI. 96712

Connie M. Aragona

59-618 Kawoa Place, Haleiwa, HI. 96712

James L. Goodrich

1717 Ala Wai Blvd. #1402, Honolulu, HI. 96815

Diane K. Wong

1717 Ala Wai Blvd. #1402, Honolulu, HI. 96815

VII

The members of the company (check one):

☒ Shall not be liable for the debts, obligations and liabilities of the company.

☐ Shall be liable for some or all, **as stated below**, of the specified debts, obligations and liabilities of the company, and have consented in writing to the adoption of this provision or to be bound by this provision.

VIII
(For LLC Resulting from Conversion)

a. The name of the domestic partnership being converted is:

Check one: ☐ General ☐ Limited Partnership

b. The agreement of conversion was approved by:

☐ All of the partners

☐ The number or percentage of the partners required for conversion in the partnership agreement.

c. The ☐ partnership registration statement ☐ certificate of limited partnership is canceled as of the effective date of the conversion.
The effective date of the conversion is (check one):

☐ On the date and time of filing.

☐ On _____, at _____
Hawaiian Standard Time, which date is not later than 30 days after filing.

d. The notice of conversion was published on: _____
(Month) Days Year)

in the (state newspaper name) _____, and reasonable efforts to give notice thereof in a reasonable manner to persons with whom the partnership expects to have a continuing business relationship as of the time of conversion were made.

We certify, under the penalties set forth in the Hawaii Uniform Limited Liability Company Act, that we have read the above statement and that the same is true and correct.

Signed this 8th day of October, 19 98

John V. Aragona

(Type/Print Name of Organizer)

(Signature of Organizer)

James L. Goodrich

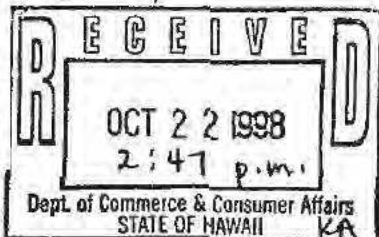
(Type/Print Name of Organizer)

(Signature of Organizer)

12/09/2013 10:01:15

BAC TNCN

FORM LLC-1
8/98



STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Business Registration Division
1010 Richards Street
Mailing Address: P.O. Box 40, Honolulu, Hawaii 96810

2045 05

ARTICLES OF ORGANIZATION FOR LIMITED LIABILITY COMPANY

(Section 428-203, 428-902, Hawaii Revised Statutes)

Cash Doc.

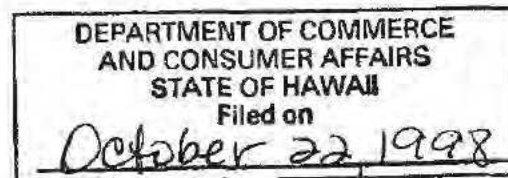
L13 00045129 2-10/22/98 100.00

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

The undersigned, for the purpose of (check one),

- ☒ Forming a limited liability company under the laws of the State of Hawaii (F/S100/L13)
☐ Converting to a limited liability company under the laws of the State of Hawaii (F/S100/L12)

do hereby make and execute these Articles of Organization:



The name of the company shall be:

Giovanni's Aloha Foods, L.L.C.

(The name must contain the words Limited Liability Company or the abbreviation L.L.C. or LLC)

II Kawoa Pl.

The street address of the initial designated office in Hawaii is: 59-618 Kawoa Pl. Haleiwa HI 96712
(Mailing) P.O. Box 390, Haleiwa, Hawaii 96712

III

The company shall have and continuously maintain in the State of Hawaii an agent and street address of the agent for service of process on the company. The agent must be an individual resident of Hawaii, a domestic corporation, or another domestic limited liability company.

- a. The name of the company's initial agent for service of process is:

James L. Goodrich

- b. The street address of the agent for service of process is:

1717 Ala Wai Blvd. #1402, Honolulu, HI. 96815

IV

The name and address of each organizer is:

John V. Aragona

59-618 Kawoa Place, Haleiwa, HI. 96712

James L. Goodrich

1717 Ala Wai Blvd. #1402, Honolulu, HI. 96815

V

The period of duration is (check one):

☒ At-will

☐ For a specified term to expire on:

(Month)

Day

Year)

I HEREBY CERTIFY that this is a true and correct copy of the official record(s) of the Business Registration Division.



DIRECTOR OF COMMERCE
AND CONSUMER AFFAIRS

December 9, 2013

Validate online at <http://hbe.ehawaii.gov/documents>
Document ID: 4JA-5SM-4HD-7XT-10199905

2360480

VI

The company is (check one):

☐ Manager-managed, and the names and residence street addresses of the initial managers are listed below.
(Number of initial members: _____)

☒ Member-managed, and the names and residence street addresses of the initial members are listed below.

<u>John V. Aragona</u>	<u>59-618 Kawoa Place, Haleiwa, HI. 96712</u>
<u>Connie M. Aragona</u>	<u>59-618 Kawoa Place, Haleiwa, HI. 96712</u>
<u>James L. Goodrich</u>	<u>1717 Ala Wai Blvd #1402, Honolulu, HI 96815</u>
<u>Diane K. Wong</u>	<u>1717 Ala Wai Blvd #1402, Honolulu, HI. 96815</u>

VII

The members of the company (check one):

☒ Shall not be liable for the debts, obligations and liabilities of the company.

☐ Shall be liable for some or all, as **stated below**, of the specified debts, obligations and liabilities of the company, and have consented in writing to the adoption of this provision or to be bound by this provision.

VIII
(For LLC Resulting from Conversion)

a. The name of the domestic partnership being converted is:

Check one: ☐ General ☐ Limited Partnership

b. The agreement of conversion was approved by:

- ☐ All of the partners
☐ The number or percentage of the partners required for conversion in the partnership agreement.

c. The ☐ partnership registration statement ☐ certificate of limited partnership is canceled as of the effective date of the conversion.
The effective date of the conversion is (check one):

☐ On the date and time of filing.

☐ On _____, at _____
Hawaiian Standard Time, which date is not later than 30 days after filing.

d. The notice of conversion was published on: _____
(Month) Days Year)

in the (state newspaper name) _____, and reasonable efforts to give notice thereof in a reasonable manner to persons with whom the partnership expects to have a continuing business relationship as of the time of conversion were made.

We certify, under the penalties set forth in the Hawaii Uniform Limited Liability Company Act, that we have read the above statement and that the same is true and correct.

Signed this 8th day of October, 19 98

John V. Aragona

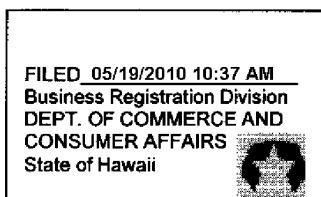
(Type/Print Name of Organizer)

John V. Aragona
(Signature of Organizer)

James L. Goodrich

(Type/Print Name of Organizer)

James L. Goodrich
(Signature of Organizer)



STATE OF HAWAII
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
Business Registration Division
335 Merchant Street
Mailing Address: P.O. Box 40, Honolulu, Hawaii 96810
Phone No. (808) 586-2727



APPLICATION FOR REGISTRATION OF TRADE NAME

(Chapter 482, Hawaii Revised Statutes)

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

1. Applicant's Name: John V Aragona
Applicant's Address: 417 Whitfield Ave., Sarasota, FL 34243, USA
(including city, state, and zip code)

2. Registration is (check one): ☒ New OR ☐ Renewal

3. Status of Applicant (check only one): ☒ Sole Proprietor ☐ Corporation ☐ Partnership ☐ LLC ☐ LLP

per JVA

☒ Unincorporated Association OR ☐ Other (explain): _____

4. If applicant is an entity, list state or country of incorporation/formation/organization: USA per JVA

5. Trade Name is: Giovanni's Aloha Shrimp

6. Applicant is (check one): ☒ Originator of name OR ☐ Assignee (one to whom name was assigned to by another)

7. Nature of business for which the trade name is being used: Sell Shrimp and bottle sauces

I certify, under the penalties set forth in Section 482-3.5, Hawaii Revised Statutes, that (check one): ☒ I am the applicant OR

☐ I am the _____ of the applicant named in the foregoing application, I am
(Office Held)
authorized to sign this application, and that the above statements are true and correct to the best of my knowledge and belief.

John V Aragona

(Print Name)

John V Aragona

(Signature)

05/19/2010

(Date)

SEE INSTRUCTIONS ON REVERSE SIDE. Application must be certified by the applicant if an individual. For corporations, application must be signed by an authorized officer of the corporation. General or limited partnerships must be signed by a general partner. For LLC, must be signed and certified by a manager of a manager-managed company or by a member of a member-managed company. LLP must be signed and certified by a partner.

(DEPARTMENTAL USE ONLY)

Certificate of Registration No. 4084085

CERTIFICATE OF REGISTRATION OF TRADE NAME

In accordance with the provisions of Chapter 482, Hawaii Revised Statutes, this Certificate of Registration is issued to secure the aforesaid applicant the use of the said TRADE NAME throughout the State of Hawaii for the term of five years from May 19, 2010 to May 18, 2015.

REGISTRATION OF A TRADE NAME WITH
THE DEPARTMENT DOES NOT GRANT
YOU OWNERSHIP OF THE TRADE NAME

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

Dated: May 19, 2010

(Director of Commerce and Consumer Affairs)

05/19/2010 04:52:22



ENVIRONMENTAL HEALTH SERVICES DIVISION
SANITATION BRANCH

FACSIMILE TRANSMITTAL SHEET

TO: Jamie Pitts	FROM: Peter Oshiro, Program Manager
COMPANY: Law Firm of Jamie Pitts	DATE: AUG 13 2013
FAX NUMBER: (855) 224-7819	SENDER'S TELEPHONE NUMBER: (808) 586-8000
PHONE NUMBER: (941) 893-7751	SENDER'S FAX NUMBER: (808) 586-8040
RE: Request for Documents for Giovanni's Aloha Shrimp Truck & Comm.	TOTAL NO. OF PAGES INCLUDING COVER: 42

☐ URGENT☐ FOR REVIEW☐ PLEASE COMMENT☐ PLEASE REPLY☒ AS REQUESTED

NOTES/COMMENTS:

Attached are copies of applications and inspection reports for the following establishments:

	# of Pages
Permit 009218 Giovanni's Aloha Shrimp Haleiwa Truck	15
Permit 009229 Giovanni's Aloha Shrimp Kahuku Truck	8
Permit 009295 Giovanni's Aloha Shrimp Commissary	18
TOTAL PAGES	41

The cost is 50 cents per page -- Total of \$20.50

Please make check payable to **State of Hawaii** to be mailed to:

Dept. of Health
Sanitation Branch
Attn: Susie
591 Ala Moana Boulevard
Honolulu, Hawaii 96813

591 ALA MOANA BOULEVARD, 1ST FLOOR
HONOLULU, HAWAII 96813
TELEPHONE NO.: (808) 586-8000

JA000248

STATION BRANCH
 A MOANA BOULEVARD
 OHLULU, HAWAII 96813
 PHONE NUMBER: (808) 586-8000 FAX: (808) 586-4729

STATE OF HAWAII
 DEPARTMENT OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT

(Please type or print in ink)

ESTABLISHMENT NAME (DBA): <u>Giovanni's Aloha Shrimp Haleiwa Truck</u>		PERMIT NO. (OFFICIAL USE ONLY) 009218	
ESTABLISHMENT LOCATION ADDRESS (STREET): <u>56 505 Kamehameha Hwy</u> (CITY): <u>Haleiwa</u> (ZIP CODE): <u>96731</u>		EXPIRATION DATE (OFFICIAL USE ONLY) MAR 2 2008	
OWNER NAME(S) <u>Lucky U Enterprises</u>		ESTABLISHMENT PHONE # <u>2935-211</u>	
OWNER MAILING ADDRESS (IF DIFFERENT FROM ABOVE) (STREET): <u>57-120 Lalo Kulima Way #12</u> (CITY): <u>Kahuku</u> (STATE): <u>HI</u> (ZIP CODE): <u>96731</u>		TAX MAP KEY (OFFICIAL USE ONLY)	
		ZONE	SECTION
		5	6
		PLAT	PARCEL
		2	12
(OFFICIAL USE ONLY) FEE AMOUNT: \$150 \$100 <u>\$50</u> (CIRCLE ONE) NON REFUNDABLE DUE BY: <u>8</u> (14 calendar days) N or R			
MAKE CHECK PAYABLE TO: STATE OF HAWAII (ACCOUNT NAME MUST BE ON CHECK) PROVIDE ON THE CHECK THE SOCIAL SECURITY NUMBER FOR SOLE PROPRIETORSHIP OR THE FEDERAL EMPLOYEE IDENTIFICATION NUMBER FOR OTHER BUSINESS, PARTNERSHIP, OR CORPORATION. SUBMIT APPLICATION AND FEE TO: SANITATION BRANCH 591 ALA MOANA BLVD. HONOLULU, HI 96813 THERE WILL BE A SERVICE FEE OF \$15.00 AND INTEREST FOR ANY CHECK DISHONORED BY THE BANK.			
I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE SANITARY REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, AND THE PERMIT AFTER ISSUANCE, MAY BE REVOKED OR SUSPENDED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THE CHAPTER.			
DATE <u>7/20/05</u>		SIGNATURE OF APPLICANT (SUBMIT ORIGINAL)	
TITLE OF APPLICANT <u>President</u>		PRINT NAME OF APPLICANT <u>Tony Nitsche</u>	

SECTION BELOW FOR OFFICIAL HEALTH DEPARTMENT USE ONLY

SANDISTRICT <u>6</u>	EST TYPE <u>602</u>	TRANSFER PERMIT NO. <u>—</u>	INACTIVE	DATE: BY:
CIRCLE APPLICABLE OPERATIONS:				
1) RECEIVING 3) HOT STORAGE 5) TRANSPORTATION 7) REHEATING 2) COLD STORAGE 4) THERMAL PROCESSING 6) COOLING 8) DISPLAY				
FEE PAID <u>502</u>	DATE PAID <u>7/20/05</u>	METHOD OF PAYMENT <u>CK # 1616</u>	RECEIPT NO. <u>31689</u>	RECEIVED BY <u>—</u>
APPROVED <u>7/20/05</u>		SIGNATURE OF AGENT DEPT. OF HEALTH <u>—</u>		
DATE		SU DI <u>50</u> <u>56</u> JAN 2008		

FOOD ESTABLISHMENT INSPECTION REPORT

JA000250

AUG-12-2013 22:31
SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96813
TELEPHONE NUMBER: (808) 586-8000 FAX: (808) 586-8040
www.hawaii.gov/doh

DOH SANITATION BRANCH

P.005
STATE OF HAWAII
DEPARTMENT OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

(OFFICIAL USE ONLY)
PERMIT NO.
009218

ESTABLISHMENT NAME (dba)

GIOVANNI'S ALOHA SHRIMP HALEIWA TRUCK

EXPIRATION DATE

MARCH 02, 2010

ESTABLISHMENT LOCATION ADDRESS

STREET: 56-505 KAMEHAMEHA HWY.

CITY: KAHUKU

ZIP CODE: 96731

TAX MAP KEY

ZONE

SECTION

PLAT

PARCEL

5

6

2

12

OWNER NAME (Corp., LLC, Partnership, Sole Owner, Other)

LUCKY V. ENTERPRISES

EST. PHONE #

OTHER PHONE #

MAILING ADDRESS (If different from establishment location address)

ATTN OR C/O:

STREET: ~~56-505 KAMEHAMEHA HWY.~~ 57-1206 Le Kailima Way #12

CITY: KAHUKU

STATE: HAWAII

ZIP CODE: 96731

E-MAIL ADDRESS (Optional)

I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, "FOOD ESTABLISHMENT SANITATION," AND AFTER ISSUANCE, THE PERMIT MAY BE SUSPENDED OR REVOKED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

2/29/08
DATE

SIGNATURE OF OWNER/AGENT

293-5211
PHONE # OF OWNER/AGENT

PRINT NAME

TITLE

(OFFICIAL USE ONLY) FEE AMOUNT: \$50.00 FEE DUE NO LATER THAN: MARCH 02, 2008
(Non-Refundable)

Make check payable to: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK)

Submit application and fee to: SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HI 96813

THERE WILL BE A SERVICE FEE OF \$25.00 FOR ANY CHECK DISHONORED BY THE BANK.

SECTION BELOW FOR OFFICIAL DEPARTMENT OF HEALTH USE ONLY

Sandistrict	Est Type	Last Regular Inspection Date	Inactive Date:	By:	SU
6	602 0 0				
Reason:					
CIRCLE ONE: New <u>Renewal</u> Transfer of Ownership Est. Name Change Operations Change Mobile Food Est. Commissary Change					
CIRCLE APPLICABLE OPERATIONS:					
<input type="checkbox"/> RECEIVING	<input type="checkbox"/> HOT STORAGE	<input type="checkbox"/> TRANSPORTATION	<input type="checkbox"/> REHEATING		
<input checked="" type="checkbox"/> COLD STORAGE	<input checked="" type="checkbox"/> THERMAL PROCESSING	<input type="checkbox"/> COOLING	<input type="checkbox"/> DISPLAY		
50-00	MAR - 7 2008	ck 4809	35718	sb	
Fee Paid	Date Paid	Method of Payment	Receipt No.	Received By	
APPROVED BY: 3/10/08					
Date		Signature of Agent/Dept. of Health		R.S. Lic. No.	
MAR 12 2008					
DATE PERMIT MAILED: MAR 12 2008					
CHECKED: SU 30 DI sb					

AUG-12-2013 22:32
SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96813
TELEPHONE NUMBER: (808) 586-8000 FAX: (808) 586-8040
www.hawaii.gov/doh

DOH SANITATION BRANCH

FEB 25 2

P.006
STATE OF HAWAII
DEPARTMENT OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

(OFFICIAL USE ONLY)
PERMIT NO.
009218

EXPIRATION DATE
MARCH 02, 2012

ESTABLISHMENT NAME (dba) GIOVANNI'S ALOHA SHRIMP HALEIWA TRUCK	
ESTABLISHMENT LOCATION ADDRESS STREET: 56-505 KAMEHAMEHA HWY. CITY: KAHUKU ZIP CODE: 96731	
OWNER NAME (Corp., LLC, Partnership, Sole Owner, Other) LUCKY X ENTERPRISES	
MAILING ADDRESS (If different from establishment location address) ATTN OR C/O: STREET: 57-120 LALO KUILIMA WAY, #12 CITY: KAHUKU STATE: HAWAII ZIP CODE: 96731	
E-MAIL ADDRESS (Optional)	
I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, "FOOD ESTABLISHMENT SANITATION," AND AFTER ISSUANCE, THE PERMIT MAY BE SUSPENDED OR REVOKED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER. 2/21/10 DATE SIGNATURE OF OWNER/AGENT (808) 677-1604 PHONE # OF OWNER/AGENT Shawn Nitsche Vice-President PRINT NAME TITLE	

(OFFICIAL USE ONLY)	FEE AMOUNT: \$50.00	FEE DUE NO LATER THAN: MARCH 02, 2010
(Non-Refundable)		

Make check payable to: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK)

Submit application and fee to: SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HI 96813

THERE WILL BE A SERVICE FEE OF \$25.00 FOR ANY CHECK DISHONORED BY THE BANK.

SECTION BELOW FOR OFFICIAL DEPARTMENT OF HEALTH USE ONLY

Sandistrict 6	Est Type 602 0 0	Last Regular Inspection Date MAR 7 2010	Inactive Date: _____ By: _____ SU _____
Reason: _____			
CIRCLE ONE: New <u>Renewal</u> Transfer of Ownership Est. Name Change Operations Change Mobile Food Est. Commissary Change			
CIRCLE APPLICABLE OPERATIONS: <input type="checkbox"/> RECEIVING <input type="checkbox"/> HOT STORAGE <input type="checkbox"/> TRANSPORTATION <input type="checkbox"/> REHEATING <input checked="" type="checkbox"/> COLD STORAGE <input checked="" type="checkbox"/> THERMAL PROCESSING <input type="checkbox"/> COOLING <input type="checkbox"/> DISPLAY			
Fee Paid \$50-	Date Paid MAR - 2 2010	Method of Payment CC 7001	Receipt No. 39243 Received By <u>W</u>
APPROVED BY: <u>3/3/10</u> Date MAR - 4 2010		Signature of Agent/Dept. of Health _____ R.S. Lic. No. _____	
DATE PERMIT MAILED: _____		CHECKED: SU <u>20</u> DI <u>56</u>	

AUG-12-2013 22:32
591 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96813
TELEPHONE NUMBER: (808) 586-8000 FAX: (808) 586-8040
www.hawaii.gov/doh

DOH SANITATION BRANCH

P.007
STATE OF HAWAII
DEPARTMENT OF HEALTH

MAR 27 2012

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

(OFFICIAL USE ONLY)
PERMIT NO.
009218

EXPIRATION DATE
MARCH 02, 2014

ESTABLISHMENT NAME (dba)

GIOVANNI'S ALOHA SHRIMP HALEIWA TRUCK

ESTABLISHMENT LOCATION ADDRESS

STREET: 56-505 KAMEHAMEHA HWY.

CITY: KAHUKU

ZIP CODE: 96731

TAX MAP KEY

ZONE

SECTION

PLAT

PARCEL

5

6

2

12

OWNER NAME (Corp., LLC, Partnership, Sole Owner, Other)

LUCKY U ENTERPRISES

EST. PHONE #

OTHER PHONE #

MAILING ADDRESS (If different from establishment location address)

ATTN OR C/O:

STREET: 57-120 LALO KUILIMA WAY #12 P.O. Box 427

CITY: KAHUKU

STATE: HAWAII

ZIP CODE: 96731

E-MAIL ADDRESS (Optional)

I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, "FOOD ESTABLISHMENT SANITATION," AND AFTER ISSUANCE, THE PERMIT MAY BE SUSPENDED OR REVOKED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

3/25/12
DATE

SIGNATURE OF OWNER/AGENT

(727) 433-6235
PHONE # OF OWNER/AGENT

Shawn N. Tsche
PRINT NAME

Vice-President
TITLE

(OFFICIAL USE ONLY) FEE AMOUNT: \$50.00 FEE DUE NO LATER THAN: MARCH 02, 2012
(Non-Refundable)

Make check payable to: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK)

Submit application and fee to: SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HI 96813

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SECTION BELOW FOR OFFICIAL DEPARTMENT OF HEALTH USE ONLY

Sandistrict	Est Type	Last Regular Inspection Date		Inactive Date: _____	By: _____	SU _____
6	602	0	0	Reason:		
CIRCLE ONE: New <u>Renewal</u> Transfer of Ownership Est. Name Change Operations Change Mobile Food Est. Commissary Change						
CIRCLE APPLICABLE OPERATIONS:						
<input type="checkbox"/> RECEIVING	<input type="checkbox"/> HOT STORAGE	<input type="checkbox"/> TRANSPORTATION	<input type="checkbox"/> REHEATING			
<input checked="" type="checkbox"/> COLD STORAGE	<input checked="" type="checkbox"/> THERMAL PROCESSING	<input type="checkbox"/> COOLING	<input type="checkbox"/> DISPLAY			
\$50	MAR 29 2012	Ch 9674	45006	We		
Fee Paid	Date Paid	Method of Payment	Receipt No.	Received By		
APPROVED BY: 3/30/12						
Date		Signature of Agent/Dept. of Health			R.S. Lic. No.	
DATE PERMIT MAILED: APR - 2 2012		CHECKED: SU		DI sb		

CHAPTER 11-12 SECTIONS

SUBCHAPTER 1: GENERAL PROVISIONS

- 1 Purpose
- 2 Definitions
- 3 Plan Review
- 4 Procedure When Infection Is Suspected
- 5 Permits
- 6 Special Provisions Regarding Permits
- 7 Fees
- 8 Inspection Of Food Establishments
- 9 Notification and Correction of Violations
- 10 Permit Suspension And Revocation
- 11 Variances
- 12 Notice and Hearing
- 13 Penalties and Remedies
- 14 Severability

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- 21 Food Protection
- 22 Food Storage; General
- 23 Food Storage; Refrigerated
- 24 Food Storage; Hot
- 25 Food Preparation
- 26 Food Display And Service
- 27 Food Transportation
- 28 Employee Health
- 29 Personal Cleanliness
- 30 Clothing
- 31 Employee Practices
- 32 Materials
- 33 Design, Fabrication, And Maintenance
- 34 Equipment Installation And Location
- 35 Equipment And Utensil Cleaning And Sanitizing; Cleaning Frequency
- 36 Equipment And Utensil Cleaning And Sanitizing; Wiping Cloths
- 37 Equipment And Utensil Cleaning And Sanitizing; Manual
- 38 Equipment And Utensil Cleaning And Sanitizing; Mechanical
- 39 Equipment And Utensil Cleaning And Sanitizing; Drying
- 40 Equipment And Utensil Cleaning And Sanitizing; Special Cleaning Facilities
- 41 Equipment And Utensil Handling And Storage
- 42 Water Supply
- 43 Wastewater Disposal
- 44 Lavatory Facilities
- 45 Garbage And Refuse
- 46 Vermin And Animal Control
- 47 Floors
- 48 Walls And Ceiling
- 49 Physical Facilities; Cleaning
- 50 Lighting
- 51 Dressing Rooms And Locker Areas
- 52 Poisonous Or Toxic Materials
- 53 Premises

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- 63 Food Protection
- 64 Personnel
- 65 Food Equipment And Utensils
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- 73 Food Protection
- 74 Food Storage
- 75 Food Preparation
- 76 Food Display And Service
- 77 Food Transportation
- 78 Personnel
- 79 Equipment And Utensils
- 80 Equipment And Utensil Cleaning And Sanitizing
- 81 Equipment And Utensil Handling And Storage
- 82 Water System
- 83 Wastewater
- 84 Lavatory Facilities
- 85 Garbage And Refuse
- 86 Vermin And Animal Control
- 87 Floors
- 88 Walls, Ceilings
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- 90 Lighting
- 91 Dressing Rooms And Locker Areas
- 92 Poisonous Or Toxic Materials
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- 100 Food, Consumer Containers, Equipment Maintenance And Operations
- 101 Machine Location
- 102 Exterior Construction And Maintenance
- 103 Interior Construction And Maintenance
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- 105 Waste Disposal
- 106 Delivery Of Food, Equipment, And Supplies to Machine Location
- 107 Personal Cleanliness
- 108 Employee Health

Food and Drug Branch
591 Ala Moana Boulevard
Honolulu, HI 96813
586-4725 FAX: 586-4729

Sanitation Branch
591 Ala Moana Boulevard
Honolulu, HI 96813
586-8000 FAX: 586-8040

Hawaii District Health Office/Hilo
1582 Kamehameha Avenue
Hilo, HI 96720
933-0917 FAX: 933-0400

Mauai District Health Office
54 High Street, Room 300
Wailuku, HI 96793
984-8230 FAX: 984-8237

Hawaii District Health Office/Kona
81-980 Halekii Street, Suite 103
Kailakakua, HI 96750
322-1507 FAX: 322-1511

Kauai District Health Office
3040 Umi Street
Lihue, HI 96766
241-3323 FAX: 241-3566

STATE OF HAWAII
DEPARTMENT OF HEALTHPage 1 of 1

FOOD ESTABLISHMENT INSPECTION REPORT

EST. NAME Giovanni's Aloha Shrimp Truck Halewa DATE July 11, 12
 EST. ADDRESS Corner 56-505 Kaneohe Hwy
Building 66-442 Kaneohe Hwy TIME START 11:30 TIME END 12:00
 OWNER NAME Lucky & Enterprises Inc PERSON IN CHARGE Troy Katsura
 PERMIT NO. 9218 EST TYPE 6021 INSP TYPE 0 R-REGULAR C-COMPLAINT
 F-FOLLOWUP CF-COMPLAINT FOLLOWUP
 CO-CONSULTATION O-OTHER
Survey of menu (current & facilities)

The section(s) listed below identify violation(s) of Hawaii Administrative Rules, Chapter 11-12. Failure to correct the violation(s) by the specified date(s) may lead to enforcement action.

SECTION # (See back of sheet)	DESCRIPTION OF VIOLATION	CORRECT BY
<u>(83)</u>	<u>Wastewater Connection must be quickly disconnect (tools required) to be done within a moment's notice. Connection is currently in sewer hole clamp.</u>	<u>Immediately</u>

SECTION NUMBERS CORRECTED:

REMARKS

Current menu: (plates = shrimp scampi, hot & spicy shrimp, lemon butter shrimp (served w/ rice only))
Side orders: mac salad, hot dog (garlic)

Utilities: water via hose connect to bib provided by land lord (csc water). Electrical via extension cord ~~connected~~ connected to outlet provided by land lord
Wastewater disposal via PVC pipe line to outside (sewer).

On board = 1- utility / hand sink (cold water only)
1- 10 cubic foot reach in refrigerator (43°F)

MoA - owner owns kitchen where major food activities take place.

Ensure hose carrying potable water is made of food safe (water) material.

Famin Sam
 RECEIVED BY (NAME & TITLE)

[Signature]
 SIGNATURE OF AGENT/DEPT. OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

ESTABLISHMENT NAME (dba) GIOVANNI'S ALOHA SHRIMP KAHUKU TRUCK		PERMIT NO. (OFFICIAL USE ONLY) 022229	
ESTABLISHMENT LOCATION ADDRESS STREET: 56-505 KAMEHAMEHA HIGHWAY CITY: KAHUKU ZIP CODE: 96731		EXPIRATION DATE (OFFICIAL USE ONLY) DECEMBER 09, 2007	
OWNER NAME(s) Lucky V Enterprises, Inc. NISSURE ENTERPRISES, INC.		ESTABLISHMENT PHONE # 2935211	
MAILING ADDRESS (if different from above) ATTN OR C/O: STREET: 57-120 LALAO KUILIMA WAY, #12 CITY: KAHUKU STATE: HAWAII ZIP CODE: 96731			
FEE AMOUNT \$50.00 DUE BY NOVEMBER 25, 2005 NON-REFUNDABLE			
MAKE CHECK PAYABLE TO: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK) PROVIDE ON THE CHECK THE SOCIAL SECURITY NUMBER FOR SOLE PROPRIETORSHIP OR THE FEDERAL EMPLOYEE IDENTIFICATION NUMBER FOR OTHER BUSINESS, PARTNERSHIP, OR CORPORATION. SUBMIT APPLICATION AND FEE TO: SANITATION BRANCH 591 ALA MOANA BLVD. HONOLULU, HI 96813 THERE WILL BE A SERVICE FEE OF \$15.00 AND INTEREST FOR ANY CHECK DISHONORED BY THE BANK.			
I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE SANITARY REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, AND THE PERMIT AFTER ISSUANCE, MAY BE REVOKED OR SUSPENDED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THE CHAPTER.			
DATE 2/24/06		SIGNATURE OF APPLICANT	
TITLE OF APPLICANT President		PRINT NAME OF APPLICANT Troy N. Becker	

SECTION BELOW FOR OFFICIAL HEALTH DEPARTMENT USE ONLY

SAN/DISTRICT 6	EST TYPE 602 0 0	ZONE 5	SECTION 6	PLAT 2	PARCEL 12	INACTIVE DATE: BY:
LAST INSPECTION DATE - R		TRANSFER PERMIT NO.				
CIRCLE APPLICABLE OPERATIONS: 1) RECEIVING 3) HOT STORAGE 5) TRANSPORTATION 7) REHEATING 2) COLD STORAGE 4) THERMAL PROCESSING 6) COOLING 8) DISPLAY						
50- FEB 24 2006		CK 2082		32504		CL
FEE PAID	DATE PAID	METHOD OF PAYMENT		RECEIPT NO.	RECEIVED BY	
APPROVED 3/2/06	SIGNATURE OF AGENT/DEPT. OF HEALTH		R.S. LIC. NO.	CHECKED	SU DI	

RED ITEMS (ITEMS LISTED DO NOT INCLUDE ALL THE PROVISIONS OF CHAPTER 11-12)

1. **FOOD, WATER RECEIVED FROM APPROVED SOURCE, WHOLESOME.**
 - a. Water (hot and cold) and ice from approved sources.
 - b. Food obtained from approved commercial processor and in sound condition (No home processed foods, no leakers, severe dents, rusty or swollen cans).
 - c. Beef, pork, and poultry from USDA approved plants.
 - d. All foods are wholesome and free from spoilage or adulteration (no rodent or insect filth, unapproved chemicals) or molds (except cultured products).
2. **TEMPERATURE CONTROL – Proper cooling and refrigerated storage of Potentially Hazardous Foods (PHF).**
 - a. Enough refrigerated storage equipment present, properly designed, maintained, and operated so that all PHF are cooled properly and can be stored at 45°F or below as required.
 - b. All raw or cooked PHF are stored at 45°F or below except during necessary periods of preparation.
 - c. All cooked PHF cooled to 70°F or below within two hours and to 45°F or below within four hours.
 - d. Accurate thermometers available and used to monitor hot holding, cooking, reheating, cooling and refrigerated storage temperatures.
3. **TEMPERATURE CONTROL – Proper hot holding of PHF.**
 - a. PHF kept at 140°F or above during hot holding except when properly labeled.
 - b. Enough hot holding equipment is present, properly designed, maintained and operated to keep hot foods at required temperatures.
4. **TEMPERATURE CONTROL – Adequate cooking and reheating of PHF.**
 - a. All poultry, poultry stuffing, stuffed meats and stuffing containing meat are cooked to 165°F or above.
 - b. All pork or any food containing pork is cooked to 155°F or above.
 - c. All comminuted fish and meats are cooked to 155°F or above.
 - d. All other PHF requiring cooking are heated to 145°F or above before they are placed in hot holding equipment except that rare roast beef or rare beef may be served at 130°F or above.
 - e. All PHF that have been cooked and then refrigerated are rapidly reheated to 165°F or above, within two hours.
5. **FOODS PROTECTED FROM CONTAMINATION AND CROSS CONTAMINATION.**
 - a. Ready-to-eat food products do not contact equipment or work surfaces which have had prior contact with raw foods to prevent cross-contamination.
 - b. Food workers do not handle raw and cooked or prepared food products without thorough handwashing in between.
 - c. Cooked or ready-to-eat foods are not subjected to contamination from juices dripping from raw foods.
 - d. Food workers do not handle foods if they are ill with a disease transmissible by foods such as: diarrhea, hepatitis, acute respiratory infections ("colds"), or have infected cuts or burns on their hands.
 - e. Food workers wash hands thoroughly after visiting the toilet, coughing, sneezing or otherwise contaminating their hands.
 - f. Food shall be prepared with the least possible manual contact, with suitable utensils (tongs, spoons, spatulas).
 - g. Toxic or poisonous chemicals are properly labeled, stored and used so that contamination of food will not occur.
6. **SANITIZING OF EQUIPMENT AND UTENSILS.**
 - a. Sanitizing rinse solutions at proper temperature, or concentration for proper time; manual dishwashing technique correct.
 - b. Accurate thermometers, chemical test kits and pressure gauges are present and functional to monitor mechanical dishwashing and sanitizing operations.
7. **SANITARY FACILITIES.**
 - a. Sewage disposal by municipal system or approved, properly functioning on-site waste disposal system.
 - b. Handwash facilities – lavatories accessible, properly located, clean and in good repair, soap and approved hand towels or hand drying devices are present.

BLUE ITEMS (Items listed do not include all the provisions of Chapter 11-12)**8. INSECT, RODENT AND VERMIN CONTROL.**

The presence of insects, rodents, and vermin minimized.

9. FOOD PROTECTION - GENERAL.

- a. Food protected during storage, preparation, display and service from potential sources of contamination.
- b. Once served to the consumer, PHF and unwrapped food shall not be re-served.
- c. In use food (including ice) dispensing utensils properly stored.
- d. Proper handling and storage of clean, sanitized equipment and utensils.
- e. Single service items properly stored and dispensed, not reused.
- f. Frozen foods kept frozen. Enough freezer space provided, freezers properly maintained.

10. HYGIENE AND ACTIVITIES OF FOOD WORKERS.

- a. Clothing of all employees shall be clean.
- b. Use of tobacco, eating or drinking in food preparation, dishwashing and food storage areas is prohibited.
- c. Hair properly restrained as required.

11. SANITARY DESIGN, CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND UTENSILS.

- a. Food (including ice) contact surfaces are non-toxic and properly designed, constructed, installed and located (no cracks, open seams, pits, uncleanable or corroded food contact surfaces).
- b. Non-food surfaces are properly designed, constructed, and installed.

12. CLEANING AND WASHING OF EQUIPMENT AND UTENSILS, PLUMBING.

- a. Tableware and utensils prewashed as needed, scraped and soaked.
- b. Wash and rinse water clean and at proper temperature.
- c. Wiping cloths are clean, restricted in use and stored in approved sanitizing solution.
- d. Food contact surfaces of equipment and utensils are maintained, clean, free from abrasives and detergents, sanitized when needed.
- e. Non-food contact surfaces of equipment and utensils are maintained and clean.
- f. Plumbing and sinks properly located, sized, installed and maintained, equipment and floors properly drained.

13. GARBAGE AND RUBBISH DISPOSAL.

- a. Adequate, leakproof, non-absorbent, vermin-proof, covered containers provided as required.
- b. Garbage storage areas properly constructed, incinerators, food waste grinders, or compactors clean and do not create a nuisance.
- c. Pick-up frequency, cleaning schedule of dumpsters and containers adequate to prevent a nuisance.

14. CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

- a. Floors, walls, ceilings properly constructed and installed, in good repair, clean surfaces.
- b. Lighting and ventilation provided as required.
- c. Premises maintained free of litter, unnecessary equipment or articles, living and sleeping quarters completely separated from food service operations, live animals excluded as required.
- d. Proper storage of cleaning equipment and linens.

Food and Drug Branch
591 Ala Moana Boulevard
Honolulu, HI 96813
586-4725 FAX: 586-4729

Hawaii District Health Office/Hilo
1582 Kamehameha Avenue
Hilo, HI 96720
933-4371 FAX: 933-4669

Hawaii District Health Office/Kona
P. O. Box 228
Kealahou, HI 96750
322-7011 FAX: 324-0028

Sanitation Branch
591 Ala Moana Boulevard
Honolulu, HI 96813
586-8000 FAX: 586-4729

Maui District Health Office
54 High Street
Wailuku, HI 96793
984-8230 FAX: 984-8222

Kauai District Health Office
3040 Umi Street
Lihue, HI 96766
241-3323 FAX: 241-3566

STATE OF HAWAII
DEPARTMENT OF HEALTH

FOOD ESTABLISHMENT INSPECTION REPORT

FOOD ESTABLISHMENT INSPECTION REPORT

EST. NAME Giovanni's Aloha Shrimp Truck Kalaheo DATE March 7, 06

EST. ADDRESS 53-505 Kamehameha Hwy TIME START 12:50 TIME END 1:00

OWNER NAME Lucky V Santiago, Inc. PERSON IN CHARGE Mandy

PERMIT NO. 6530 EST TYPE 604 INSP TYPE F

R - REGULAR F - FOLLOWUP C - COMPLAINT
CF - COMPLAINT FOLLOWUP CO - CONSULTATION

PART I: RED CRITICAL ITEMS

These violations relate directly to protecting the public from foodborne illness. These violations SHALL BE CORRECTED WITHIN THE TIME LIMITS SPECIFIED to avoid enforcement action.

[illegible]

ITEM NUMBERS CORRECTED:

REMARKS

RECEIVED BY (NAME & TITLE)

SAN RA (1/1/82)

ORIGINAL - ESTABLISHMENT COPY

INSPECTED BY (NAME & TITLE)

JA000267

EST. NAME Wabahnir-Rock Group PERMIT # 550 DATE 5/2/93

PART II: BLUE ITEMS - ESTABLISHMENT SANITATION, DESIGN AND MAINTENANCE

These violations relate to maintenance of food establishment operations and cleanliness. These violations should be corrected by the time limits specified and may lead to enforcement action.

[illegible]

ITEM NUMBERS CORRECTED:

REMARKS

RECEIVED BY (NAME & TITLE)

INSPECTED BY (NAME & TITLE)

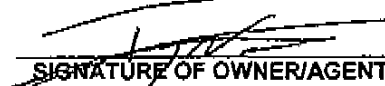
AUG-12-2013 22:36
SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96813
TELEPHONE NUMBER: (808) 586-8000 FAX: (808) 586-8040
www.hawaii.gov/doh

DOH SANITATION BRANCH

P.022
STATE OF HAWAII
DEPARTMENT OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

(OFFICIAL USE ONLY)
PERMIT NO.
009229

ESTABLISHMENT NAME (dba) GIOVANNI'S ALOHA SHRIMP KAHUKU TRUCK		EXPIRATION DATE DECEMBER 09, 2011	
ESTABLISHMENT LOCATION ADDRESS STREET: 56-505 KAMEHAMEHA HIGHWAY CITY: KAHUKU ZIP CODE: 96731		TAX MAP KEY ZONE SECTION PLAT PARCEL 5 6 2 12	
OWNER NAME (Corp., LLC, Partnership, Sole Owner, Other) LUCKY U ENTERPRISES, INC.		EST. PHONE # OTHER PHONE #	
MAILING ADDRESS (if different from establishment location address) ATTN OR C/O: STREET: 57-120 LALAO KUILIMA WAY, #12 CITY: KAHUKU STATE: HAWAII ZIP CODE: 96731			
E-MAIL ADDRESS (Optional)			
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DATE 12/9/09		SIGNATURE OF OWNER/AGENT 	
PHONE # OF OWNER/AGENT 638-9116 / 630-9116		PRINT NAME Troy Nitsche TITLE President Lucky U Ent.	

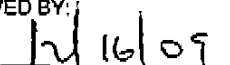


(OFFICIAL USE ONLY) FEE AMOUNT: \$50.00 FEE DUE NO LATER THAN: DECEMBER 09, 2009
(Non-Refundable)

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Submit application and fee to: SANITATION BRANCH
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Sandistrict 6	Est Type 602 0 0	Last Regular Inspection Date	Inactive Date: _____ By: _____ SU _____
CIRCLE ONE: New <u>Renewal</u> Transfer of Ownership Est. Name Change Operations Change Mobile Food Est. Commissary Change		Reason:	
CIRCLE APPLICABLE OPERATIONS:			
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<input checked="" type="checkbox"/> COLD STORAGE	<input checked="" type="checkbox"/> THERMAL PROCESSING	<input type="checkbox"/> COOLING	<input type="checkbox"/> DISPLAY
Fee Paid 50.00	Date Paid DEC 15 2009	Method of Payment ck 6743	Receipt No. 39226
APPROVED BY: 		Received By sb	
DATE PERMIT MAILED: DEC 17 2009		R.S. Lic. No.	
CHECKED: SU 		DI 	

AUG-12-2013 22:37
SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96813
TELEPHONE NUMBER: (808) 586-8000 FAX: (808) 586-8040
www.hawaii.gov/doh

DOH SANITATION BRANCH

P.023
STATE OF HAWAII
DEPARTMENT OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

(OFFICIAL USE ONLY)
PERMIT NO.
009229

ESTABLISHMENT NAME (dba)

GIOVANNI'S ALOHA SHRIMP KAHUKU TRUCK

EXPIRATION DATE

DECEMBER 09, 2009

ESTABLISHMENT LOCATION ADDRESS

STREET: 56-505 KAMEHAMEHA HIGHWAY

ZONE

SECTION

PLAT

PARCEL

CITY: KAHUKU

ZIP CODE: 96731

5

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OWNER NAME (Corp., LLC, Partnership, Sole Owner, Other)

LUCKY U ENTERPRISES, INC.

EST. PHONE #

OTHER PHONE #

MAILING ADDRESS (If different from establishment location address)

ATTN OR C/O:

STREET: 57-120 LALAO KUILIMA WAY, #12

CITY: KAHUKU

STATE: HAWAII

ZIP CODE: 96731

E-MAIL ADDRESS (Optional)

I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, "FOOD ESTABLISHMENT SANITATION," AND AFTER ISSUANCE, THE PERMIT MAY BE SUSPENDED OR REVOKED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

DATE

11/25/07

SIGNATURE OF OWNER/AGENT

PHONE # OF OWNER/AGENT

630-9116

PRINT NAME

Troy Nitsche

TITLE

President

(OFFICIAL USE ONLY) FEE AMOUNT: \$50.00 FEE DUE NO LATER THAN: DECEMBER 09, 2007
(Non-Refundable)

Make check payable to: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK)

Submit application and fee to: SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HI 96813

THERE WILL BE A SERVICE FEE OF \$15.00 FOR ANY CHECK DISHONORED BY THE BANK.

SECTION BELOW FOR OFFICIAL DEPARTMENT OF HEALTH USE ONLY

Sandistrict	Est Type	Last Regular inspection Date	Inactive Date:	By:	SU
6	602 0 0				
Reason:					
CIRCLE ONE: New <u>Renewal</u> Transfer of Ownership Est. Name Change Operations Change Mobile Food Est. Commissary Change					
CIRCLE APPLICABLE OPERATIONS:					
<input checked="" type="checkbox"/> RECEIVING	<input checked="" type="checkbox"/> HOT STORAGE	<input type="checkbox"/> TRANSPORTATION	<input type="checkbox"/> REHEATING		
<input checked="" type="checkbox"/> COLD STORAGE	<input checked="" type="checkbox"/> THERMAL PROCESSING	<input type="checkbox"/> COOLING	<input type="checkbox"/> DISPLAY		
50-00	NOV 29 2007	ck 4525	34794	sb	
Fee Paid	Date Paid	Method of Payment	Receipt No.	Received By	
APPROVED BY:					
11/30/07		Signature of Agent/Dept. of Health		R.S. Lic. No.	
Date		DEC - 4 2007			
DATE PERMIT MAILED:					
CHECKED: SU. 30 DI sb					

AUG-12-2013 22:37
SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96813
TELEPHONE NUMBER: (808) 586-8000 FAX: (808) 586-8040
www.hawaii.gov/doh

DOH SANITATION BRANCH

P.024
STATE OF HAWAII
DEPARTMENT OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

(OFFICIAL USE ONLY)
PERMIT NO.
009229

EXPIRATION DATE

DECEMBER 09, 2013

ESTABLISHMENT NAME (dba)

GIOVANNI'S ALOHA SHRIMP KAHUKU TRUCK

ESTABLISHMENT LOCATION ADDRESS

STREET: 56-505 KAMEHAMEHA HIGHWAY

CITY: KAHUKU

ZIP CODE: 96731

TAX MAP KEY

ZONE

SECTION

PLAT

PARCEL

5

6

2

12

OWNER NAME (Corp., LLC, Partnership, Sole Owner, Other)

LUCKY U ENTERPRISES, INC.

EST. PHONE #

OTHER PHONE #

(808)638-9116

MAILING ADDRESS (If different from establishment location address)

ATTN OR C/O:

STREET: ~~57-420 LAAO KULIMA WAY #12~~ P.O. Box 427

CITY: KAHUKU

STATE: HAWAII

ZIP CODE: 96731

E-MAIL ADDRESS (Optional)

I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, "FOOD ESTABLISHMENT SANITATION," AND AFTER ISSUANCE, THE PERMIT MAY BE SUSPENDED OR REVOKED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

DATE

1/5/12

SIGNATURE OF OWNER/AGENT

[Signature]

(808)677-1604

cell - (727)433-6235

PHONE # OF OWNER/AGENT

Shawn Nitsche

PRINT NAME

Vice-President

TITLE

(OFFICIAL USE ONLY) **FEE AMOUNT:** \$50.00 **FEE DUE NO LATER THAN:** DECEMBER 09, 2011
(Non-Refundable)

Make check payable to: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK)

Submit application and fee to: SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HI 96813

THERE WILL BE A SERVICE FEE OF \$25.00 FOR ANY CHECK DISHONORED BY THE BANK.

SECTION BELOW FOR OFFICIAL DEPARTMENT OF HEALTH USE ONLY

Sandistrict	Est Type	Last Regular Inspection Date		Inactive Date: _____	By: _____	SU _____
6	602 0 0			Reason:		
CIRCLE ONE: New <u>Renewal</u> Transfer of Ownership Est. Name Change Operations Change Mobile Food Est. Commissary Change						
CIRCLE APPLICABLE OPERATIONS:						
<input type="checkbox"/> RECEIVING	<input type="checkbox"/> HOT STORAGE	<input type="checkbox"/> TRANSPORTATION	<input type="checkbox"/> REHEATING			
<input checked="" type="checkbox"/> COLD STORAGE	<input checked="" type="checkbox"/> THERMAL PROCESSING	<input type="checkbox"/> COOLING	<input type="checkbox"/> DISPLAY			
Fee Paid \$50	Date Paid JAN 11 2012	Method of Payment CC 9426	Receipt No. 43293	Received By <i>[Signature]</i>		
APPROVED BY: <i>[Signature]</i>		Signature of Agent/Dept. of Health _____			R.S. Lic. No. 56	
DATE PERMIT MAILED: JAN 13 2012		CHECKED: SU <i>[Signature]</i>			DI _____	

AUG-12-2013 22:37
SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96813
TELEPHONE NUMBER: (808) 586-8000 FAX: (808) 586-8040
www.hawaii.gov/doh

DOH SANITATION BRANCH

P.025
3 2012
STATE OF HAWAII
DEPARTMENT OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

(OFFICIAL USE ONLY)
PERMIT NO.
009295

ESTABLISHMENT NAME (dba)

GIOVANNI'S ALOHA SHRIMP COMMISSARY

EXPIRATION DATE

APRIL 13, 2014

ESTABLISHMENT LOCATION ADDRESS

STREET: 56-505 KAMEHAMEHA HIGHWAY

CITY: KAHUKU

ZIP CODE: 96731

TAX MAP KEY

ZONE

SECTION

PLAT

PARCEL

5

6

2

12

OWNER NAME (Corp., LLC, Partnership, Sole Owner, Other)

LUCKY Y ENTERPRISES, INC.

EST. PHONE #

808-293-1839

OTHER PHONE #

630-9116
(808)293-5244

MAILING ADDRESS (If different from establishment location address)

ATTN OR C/O:

STREET: 57-120 LALO KUILIMA WAY, #12 P.O. Box 427

CITY: KAHUKU

STATE: HAWAII

ZIP CODE: 96731

E-MAIL ADDRESS (Optional)

I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, "FOOD ESTABLISHMENT SANITATION," AND AFTER ISSUANCE, THE PERMIT MAY BE SUSPENDED OR REVOKED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

8/2/12
DATE

SIGNATURE OF OWNER/AGENT

727-433-6235
PHONE # OF OWNER/AGENT

Shawn Nitsche
PRINT NAME

VP
TITLE

(OFFICIAL USE ONLY) FEE AMOUNT: \$100.00 FEE DUE NO LATER THAN: APRIL 13, 2012
(Non-Refundable)

Make check payable to: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK)

Submit application and fee to: SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HI 96813

THERE WILL BE A SERVICE FEE OF \$25.00 FOR ANY CHECK DISHONORED BY THE BANK.

SECTION BELOW FOR OFFICIAL DEPARTMENT OF HEALTH USE ONLY

Sandistrict	Est Type	Last Regular Inspection Date		Inactive Date: _____	By: _____	SU _____
6	402	0	0	Reason: _____		
CIRCLE ONE: New <u>Renewal</u> Transfer of Ownership Est. Name Change Operations Change Mobile Food Est. Commissary Change						
CIRCLE APPLICABLE OPERATIONS:						
<input checked="" type="checkbox"/> RECEIVING	<input checked="" type="checkbox"/> HOT STORAGE	<input type="checkbox"/> TRANSPORTATION	<input type="checkbox"/> REHEATING			
<input checked="" type="checkbox"/> COLD STORAGE	<input checked="" type="checkbox"/> THERMAL PROCESSING	<input type="checkbox"/> COOLING	<input type="checkbox"/> DISPLAY			
100	AUG 10 2012	CHK 10195	45031	[Signature]		
Fee Paid	Date Paid	Method of Payment	Receipt No.	Received By		
APPROVED BY: 8/13/12 [Signature] Date AUG 15 2012 Signature of Agent/Dept. of Health R.S. Lic. No. sb						
DATE PERMIT MAILED: _____ CHECKED: SU <u>sb</u> DI _____						

AUG-12-2013 22:38
591 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96813
TELEPHONE NUMBER: (808) 586-8000 FAX: (808) 586-8040
www.hawaii.gov/doh

DOH SANITATION BRANCH

P.026
DEPARTMENT OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

(OFFICIAL USE ONLY)
PERMIT NO.
009295
EXPIRATION DATE
APRIL 13, 2012

ESTABLISHMENT NAME (dba) GIOVANNI'S ALOHA SHRIMP COMMISSARY			
ESTABLISHMENT LOCATION ADDRESS		TAX MAP KEY	
STREET: 56-505 KAMEHAMEHA HIGHWAY		ZONE	SECTION
CITY: KAHUKU ZIP CODE: 96731		5	6
OWNER NAME (Corp., LLC, Partnership, Sole Owner, Other) LUCKY Y ENTERPRISES, INC.		PLAT	PARCEL
		2	12
MAILING ADDRESS (If different from establishment location address) ATTN OR C/O: STREET: 57-120 LALO KUILIMA WAY, #12 CITY: KAHUKU STATE: HAWAII ZIP CODE: 96731		EST. PHONE # OTHER PHONE # (808)293-5211	
E-MAIL ADDRESS (Optional)			
I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, "FOOD ESTABLISHMENT SANITATION," AND AFTER ISSUANCE, THE PERMIT MAY BE SUSPENDED OR REVOKED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.			
DATE: 3/26/10		SIGNATURE OF OWNER/AGENT: <i>[Signature]</i>	
PHONE # OF OWNER/AGENT: 808-677-1604		PRINT NAME: Shawn Nitsche TITLE: Vice-President	

(OFFICIAL USE ONLY) FEE AMOUNT: \$100.00 FEE DUE NO LATER THAN: APRIL 13, 2010
(Non-Refundable)

Make check payable to: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK)

Submit application and fee to: SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HI 96813

THERE WILL BE A SERVICE FEE OF \$25.00 FOR ANY CHECK DISHONORED BY THE BANK.

SECTION BELOW FOR OFFICIAL DEPARTMENT OF HEALTH USE ONLY

Sandistrict	Est Type	Last Regular Inspection Date	Inactive Date: _____ By: _____ SU _____
6	402 0 0		Reason:
CIRCLE ONE: New <u>Renewal</u> Transfer of Ownership Est. Name Change Operations Change Mobile Food Est. Commissary Change			
CIRCLE APPLICABLE OPERATIONS:			
<input checked="" type="checkbox"/> RECEIVING	<input checked="" type="checkbox"/> HOT STORAGE	<input type="checkbox"/> TRANSPORTATION	<input type="checkbox"/> REHEATING
<input checked="" type="checkbox"/> COLD STORAGE	<input checked="" type="checkbox"/> THERMAL PROCESSING	<input type="checkbox"/> COOLING	<input type="checkbox"/> DISPLAY
Fee Paid: \$100-	Date Paid: APR - 5 2010	Method of Payment: CC 7107	Receipt No. 39248 Received By: <i>[Signature]</i>
APPROVED BY: <i>[Signature]</i> Date: 4/7/10		Signature of Agent/Dept. of Health: <i>[Signature]</i> R.S. Lic. No. 56	
DATE PERMIT MAILED: APR - 9 2010		CHECKED: SU <i>[Signature]</i> DI _____	

AUG-12-2013 22:38
SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HAWAII 96813
TELEPHONE NUMBER: (808) 586-8000 FAX: (808) 586-8040
www.hawaii.gov/doh

DOH SANITATION BRANCH

P.027
STATE OF HAWAII
DEPARTMENT OF HEALTH

APPLICATION FOR FOOD ESTABLISHMENT PERMIT
(Please type or print in blue or black ink)

(OFFICIAL USE ONLY)
PERMIT NO.
009295

ESTABLISHMENT NAME (dba)

GIOVANNI'S ALOHA SHRIMP COMMISSARY

EXPIRATION DATE

APRIL 13, 2010

ESTABLISHMENT LOCATION ADDRESS

STREET: 56-505 KAMEHAMEHA HIGHWAY

CITY: KAHUKU

ZIP CODE: 96731

TAX MAP KEY

ZONE	SECTION	PLAT	PARCEL
5	6	2	12

OWNER NAME (Corp., LLC, Partnership, Sole Owner, Other)

LUCKY Y ENTERPRISES, INC.

EST. PHONE #

OTHER PHONE #

MAILING ADDRESS (If different from establishment location address)

ATTN OR C/O:

STREET: 57-120 LALO KUILIMA WAY, #12

CITY: KAHUKU

STATE: HAWAII

ZIP CODE: 96731

E-MAIL ADDRESS (Optional)

I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, "FOOD ESTABLISHMENT SANITATION," AND AFTER ISSUANCE, THE PERMIT MAY BE SUSPENDED OR REVOKED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS CHAPTER.

DATE

5/29/08

SIGNATURE OF OWNER/AGENT

PHONE # OF OWNER/AGENT

(808) 293-5211 / (808) 630-9116

PRINT NAME

Tray Nitsche

TITLE

Resident

(OFFICIAL USE ONLY) FEE AMOUNT: \$100.00 FEE DUE NO LATER THAN: APRIL 13, 2008
(Non-Refundable)

Make check payable to: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK)

Submit application and fee to: SANITATION BRANCH
591 ALA MOANA BOULEVARD
HONOLULU, HI 96813


There will be a service fee of \$25 for any check dishonored by the bank.

SECTION BELOW FOR OFFICIAL DEPARTMENT OF HEALTH USE ONLY

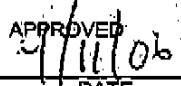

Sandistrict	Est Type	Last Regular Inspection Date	Inactive Date:	By:	SU
6	402 0 0				
Reason:					
CIRCLE ONE: New <u>Renewal</u> Transfer of Ownership Est. Name Change Operations Change Mobile Food Est. Commissary Change					
CIRCLE APPLICABLE OPERATIONS:					
<input checked="" type="checkbox"/> RECEIVING	<input checked="" type="checkbox"/> HOT STORAGE	<input type="checkbox"/> TRANSPORTATION	<input type="checkbox"/> REHEATING		
<input checked="" type="checkbox"/> COLD STORAGE	<input checked="" type="checkbox"/> THERMAL PROCESSING	<input type="checkbox"/> COOLING	<input type="checkbox"/> DISPLAY		
100.00	APR 2 2008	ck 4885	35724	56	
Fee Paid	Date Paid	Method of Payment	Receipt No.	Received By	
APPROVED BY: <u>4/1/08</u>					
Date					
Signature of Agent/Dept. of Health					
R.S. Lic. No.					
DATE PERMIT MAILED: APR 8 2008					
CHECKED: SU <u>PO</u> DI <u>sb</u>					

APPLICATION FOR FOOD ESTABLISHMENT PERMIT

(Please type or print in blue or black ink)

ESTABLISHMENT NAME (dba) GIOVANNI'S ALOHA SHRIMP COMMISSARY		PERMIT NO. (OFFICIAL USE ONLY) 009295 006531	
ESTABLISHMENT LOCATION ADDRESS STREET: 56-505 KAMEHAMEHA HIGHWAY CITY: KAHUKU ZIP CODE: 96731		EXPIRATION DATE (OFFICIAL USE ONLY) APR 13 2008 DECEMBER 09 2007	
OWNER NAME(s) Lucky v Enterprises, Inc. NITSCHE ENTERPRISES, INC.		ESTABLISHMENT PHONE # 2935211	
MAILING ADDRESS (if different from above) ATTN OR C/O: STREET: 57-120 LALO KUILIMA WAY, #12 CITY: KAHUKU STATE: HAWAII ZIP CODE: 96731			
FEE AMOUNT: \$100.00 NON-REFUNDABLE		DUE BY: NOVEMBER 25 2005	
MAKE CHECK PAYABLE TO: STATE OF HAWAII (BANK ACCOUNT NAME AND ADDRESS MUST BE ON CHECK) PROVIDE ON THE CHECK THE SOCIAL SECURITY NUMBER FOR SOLE PROPRIETORSHIP OR THE FEDERAL EMPLOYEE IDENTIFICATION NUMBER FOR OTHER BUSINESS, PARTNERSHIP, OR CORPORATION. SUBMIT APPLICATION AND FEE TO: SANITATION BRANCH 591 ALA MOANA BLVD. HONOLULU, HI 96813 THERE WILL BE A SERVICE FEE OF \$15.00 AND INTEREST FOR ANY CHECK DISHONORED BY THE BANK.			
I UNDERSTAND THAT THE ISSUANCE OF THE FOOD ESTABLISHMENT PERMIT IS CONTINGENT UPON COMPLIANCE WITH THE SANITARY REQUIREMENTS OF HAWAII ADMINISTRATIVE RULES, TITLE 11, CHAPTER 12, AND THE PERMIT AFTER ISSUANCE, MAY BE REVOKED OR SUSPENDED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THE CHAPTER.			
DATE 2/24/06		SIGNATURE OF APPLICANT 	
TITLE OF APPLICANT President		PRINT NAME OF APPLICANT Tony Nitsche	

SECTION BELOW FOR OFFICIAL HEALTH DEPARTMENT USE ONLY

SANDISTRICT 6	EST TYPE 402 0 0	ZONE 5	SECTION 6	PLAT 2	PARCEL 12	INACTIVE DATE:
LAST INSPECTION DATE - R			TRANSFER PERMIT NO.			BY:
CIRCLE APPLICABLE OPERATIONS: 1) RECEIVING 3) HOT STORAGE 5) TRANSPORTATION 7) REHEATING 2) COLD STORAGE 4) THERMAL PROCESSING 6) COOLING 8) DISPLAY						
FEE PAID 100	DATE PAID FEB 24 2006	METHOD OF PAYMENT Ch 2082		RECEIPT NO. 32ED4	RECEIVED BY CH	
APPROVED 	SIGNATURE OF AGENT/DEPT. OF HEALTH 			R.S. LIC. NO. 262	SU 24	PI 56
DATE				CHECKED		

RED ITEMS (Items listed do not include all the provisions of Chapter 11-12)

- 1. FOOD, WATER RECEIVED FROM APPROVED SOURCE, WHOLESOME.**
 - a. Water (hot and cold) and ice from approved sources.
 - b. Food obtained from approved commercial processor and in sound condition (No home processed foods, no leakers, severe dents, rusty or swollen cans).
 - c. Meat and meat products from USDA approved plants.
 - d. All foods are wholesome and free from spoilage or adulteration (no rodent or insect filth, unapproved chemicals) or molds (except cultured products).
- 2. TEMPERATURE CONTROL - Proper cooling and refrigerated storage of Potentially Hazardous Foods (PHF).**
 - a. Enough refrigerated storage equipment present, properly designed, maintained, and operated so that all PHF are cooled properly and can be stored at 45°F or below as required.
 - b. All raw or cooked PHF are stored at 45°F or below except during necessary periods of preparation.
 - c. All cooked PHF cooled to 70°F or below within two hours and to 45°F or below within four hours.
 - d. Accurate thermometers available and used to monitor hot holding, cooking, reheating, cooling and refrigerated storage temperatures.
- 3. TEMPERATURE CONTROL - Proper hot holding of PHF.**
 - a. PHF kept at 140°F or above during hot holding except when properly labeled.
 - b. Enough hot holding equipment is present, properly designed, maintained and operated to keep hot foods at required temperatures.
- 4. TEMPERATURE CONTROL - Adequate cooking and reheating of PHF.**
 - a. All poultry, poultry stuffing, stuffed meats and stuffing containing meat are cooked to 165°F or above.
 - b. All pork or any food containing pork is cooked to 155°F or above.
 - c. All comminuted fish and meats are cooked to 155°F or above.
 - d. All other PHF requiring cooking are heated to 145°F or above before they are placed in hot holding equipment except that rare roast beef or rare beef may be served at 130°F or above.
 - e. All PHF that have been cooked and then refrigerated are rapidly reheated to 165°F or above, within two hours.
- 5. FOODS PROTECTED FROM CONTAMINATION AND CROSS CONTAMINATION.**
 - a. Ready-to-eat food products do not contact equipment or work surfaces which have had prior contact with raw foods to prevent cross-contamination.
 - b. Food workers do not handle raw and cooked or prepared food products without thorough handwashing in between.
 - c. Cooked or ready-to-eat foods are not subjected to contamination from juices dripping from raw foods.
 - d. Food workers do not handle foods if they are ill with a disease transmissible by foods such as: diarrhea, hepatitis, acute respiratory infections ("colds"), or have infected cuts or burns on their hands.
 - e. Food workers wash hands thoroughly after visiting the toilet, coughing, sneezing or otherwise contaminating their hands.
 - f. Food shall be prepared with the least possible manual contact, with suitable utensils (tongs, spoons, spatulas).
 - g. Toxic or poisonous chemicals are properly labeled, stored and used so that contamination of food will not occur.
- 6. SANITIZING OF EQUIPMENT AND UTENSILS.**
 - a. Sanitizing rinse solutions at proper temperature, or concentration for proper time; manual dishwashing technique correct.
 - b. Accurate thermometers, chemical test kits and pressure gauges are present and functional to monitor mechanical dishwashing and sanitizing operations.
- 7. SANITARY FACILITIES.**
 - a. Sewage disposal by municipal system or approved, properly functioning on-site waste disposal system.
 - b. Handwash facilities - lavatories accessible, properly located, clean and in good repair, soap and approved hand towels or hand drying devices are present.

BLUE ITEMS (Items listed do not include all the provisions of Chapter 11-12)**8. INSECT, RODENT AND VERMIN CONTROL.**

The presence of insects, rodents, and vermin minimized.

9. FOOD PROTECTION - GENERAL.

- a. Food protected during storage, preparation, display and service from potential sources of contamination.
- b. Once served to the consumer, PHF and unwrapped food shall not be re-served.
- c. In use food (including ice) dispensing utensils properly stored.
- d. Proper handling and storage of clean, sanitized equipment and utensils.
- e. Single service items properly stored and dispensed, not reused.
- f. Frozen foods kept frozen. Enough freezer space provided, freezers properly maintained.

10. HYGIENE AND ACTIVITIES OF FOOD WORKERS.

- a. Clothing of all employees shall be clean.
- b. Use of tobacco, eating or drinking in food preparation, dishwashing and food storage areas is prohibited.
- c. Hair properly restrained as required.

11. SANITARY DESIGN, CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND UTENSILS.

- a. Food (including ice) contact surfaces are non-toxic and properly designed, constructed, installed and located (no cracks, open seams, pits, uncleanable or corroded food contact surfaces).
- b. Non-food surfaces are properly designed, constructed, and installed.

12. CLEANING AND WASHING OF EQUIPMENT AND UTENSILS, PLUMBING.

- a. Tableware and utensils prewashed as needed, scraped and soaked.
- b. Wash and rinse water clean and at proper temperature.
- c. Wiping cloths are clean, restricted in use and stored in approved sanitizing solution.
- d. Food contact surfaces of equipment and utensils are maintained, clean, free from abrasives and detergents, sanitized when needed.
- e. Non-food contact surfaces of equipment and utensils are maintained and clean.
- f. Plumbing and sinks properly located, sized, installed and maintained, equipment and floors properly drained.

13. GARBAGE AND RUBBISH DISPOSAL.

- a. Adequate, leakproof, non-absorbent, vermin-proof, covered containers provided as required.
- b. Garbage storage areas properly constructed, incinerators, food waste grinders, or compactors clean and do not create a nuisance.
- c. Pick-up frequency, cleaning schedule of dumpsters and containers adequate to prevent a nuisance.

14. CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

- a. Floors, walls, ceilings properly constructed and installed, in good repair, clean surfaces.
- b. Lighting and ventilation provided as required.
- c. Premises maintained free of litter, unnecessary equipment or articles, living and sleeping quarters completely separated from food service operations, live animals excluded as required.
- d. Proper storage of cleaning equipment and linens.

Food and Drug Branch
591 Ala Moana Boulevard
Honolulu, HI 96813
586-4725 FAX: 586-4729

Hawaii District Health Office/Hilo
1582 Kamehameha Avenue
Hilo, HI 96720
933-4371 FAX: 933-4669

Hawaii District Health Office/Kona
P. O. Box 228
Kealahou, HI 96750
322-7011 FAX: 324-0028

Sanitation Branch
591 Ala Moana Boulevard
Honolulu, HI 96813
586-8000 FAX: 586-4729

Maui District Health Office
54 High Street
Wailuku, HI 96793
984-8230 FAX: 984-8222

Kauai District Health Office
3040 Umi Street
Lihue, HI 96766
241-3323 FAX: 241-3566

STATE OF HAWAII
DEPARTMENT OF HEALTH

FOOD ESTABLISHMENT INSPECTION REPORT

EST. NAME Giovanni's Aloha Shrimp Commissary DATE Feb 28, 06
EST. ADDRESS 56505 Kamehameha Hwy TIME START 11:15 TIME END 12:00
OWNER NAME Lucky Enterprizes Inc PERSON IN CHARGE T. Nitsche
PERMIT NO. 6531 EST TYPE For INSP TYPE R
add name gawley R - REGULAR P - FOLLOWUP C - COMPLAINT
CF - COMPLAINT FOLLOWUP CO - CONSULTATION

PART I: RED CRITICAL ITEMS

These violations relate directly to protecting the public from foodborne illness. These violations SHALL BE CORRECTED WITHIN THE TIME LIMITS SPECIFIED and may lead to enforcement action.

[illegible]

ITEM NUMBERS CORRECTED:

REMARKS

D. Laka M. Lina

the story

JA000279

STATE OF HAWAII
DEPARTMENT OF HEALTH

FOOD ESTABLISHMENT INSPECTION REPORT

EST. NAME Chlovanis Aloha Luning Commercial DATE April 11, 01
EST. ADDRESS 56-505 Kamehameha Hwy TIME START 11:35 TIME END 12:10
OWNER NAME Luning & Carter Bros Inc PERSON IN CHARGE Thery Nitsch
PERMIT NO. new EST TYPE 305 INSP TYPE F R-REGULAR F-FOLLOWUP C-COMPLAINT
CP-COMPLAINT FOLLOWUP DOI-CORRECTION

PART 1: RED CRITICAL ITEMS

These violations relate directly to protecting the public from foodborne illness. These violations SHALL BE CORRECTED WITHIN THE TIME LIMITS SPECIFIED and may lead to enforcement action.

[illegible]

ITEM NUMBERS CORRECTED:

REMARKS

RECEIVED BY (NAME & TITLE)
JAN 22 1971

ORIGINAL--ESTABLISHMENT COPY

INSPECTED BY (NAME & TITLE)

JA000282

DOH SANITATION BRANCH

EST. NAME Chubbins & Co. Inc. PERMIT # 1/10 DATE

These violations relate to maintenance of food establishment operations and cleanliness. These v
corrected by the time limits specified and may lead to enforcement action.

[illegible]

ITEM NUMBERS CORRECTED:

14(a), 14(c), 14(e)

REMARKS

RECEIVED BY (NAME & TITLE)

INSPECTED BY (NAME & TITLE)

\$U , DI

CHAPTER 11-12 SECTIONS

SUBCHAPTER 1: GENERAL PROVISIONS

- 1 Purpose
- 2 Definitions
- 3 Plan Review
- 4 Procedure When Infection Is Suspected
- 5 Permits
- 6 Special Provisions Regarding Permits
- 7 Fees
- 8 Inspection Of Food Establishments
- 9 Notification and Correction of Violations
- 10 Permit Suspension And Revocation
- 11 Variances
- 12 Notice and Hearing
- 13 Penalties and Remedies
- 14 Severability

SUBCHAPTER 2: FOOD ESTABLISHMENTS

- 20 Food Supplies
- 21 Food Protection
- 22 Food Storage; General
- 23 Food Storage; Refrigerated
- 24 Food Storage; Hot
- 25 Food Preparation
- 26 Food Display And Service
- 27 Food Transportation
- 28 Employee Health
- 29 Personal Cleanliness
- 30 Clothing
- 31 Employee Practices
- 32 Materials
- 33 Design, Fabrication, And Maintenance
- 34 Equipment Installation And Location
- 35 Equipment And Utensil Cleaning And Sanitizing; Cleaning Frequency
- 36 Equipment And Utensil Cleaning And Sanitizing; Wiping Cloths
- 37 Equipment And Utensil Cleaning And Sanitizing; Manual
- 38 Equipment And Utensil Cleaning And Sanitizing; Mechanical
- 39 Equipment And Utensil Cleaning And Sanitizing; Drying
- 40 Equipment And Utensil Cleaning And Sanitizing; Special Cleaning Facilities
- 41 Equipment And Utensil Handling And Storage
- 42 Water Supply
- 43 Wastewater Disposal
- 45 Lavatory Facilities
- 46 Garbage And Refuse
- 47 Vermin And Animal Control
- 48 Floors
- 49 Walls And Ceiling
- 50 Physical Facilities; Cleaning
- 51 Lighting
- 53 Dressing Rooms And Locker Areas
- 54 Poisonous Or Toxic Materials
- 55 Premises

SUBCHAPTER 3: TEMPORARY FOOD ESTABLISHMENT

- 60 General Requirements
- 61 Special Requirements
- 62 Food Supplies
- 63 Food Protection
- 64 Personnel
- 65 Food Equipment And Utensils
- 66 Sanitary Facilities
- 67 Other Facilities And Operations

SUBCHAPTER 4: MOBILE FOOD ESTABLISHMENTS

- 70 General Requirements
- 71 Commissary
- 72 Food Supplies
- 73 Food Protection
- 74 Food Storage
- 75 Food Preparation
- 76 Food Display And Service
- 77 Food Transportation
- 78 Personnel
- 79 Equipment And Utensils
- 80 Equipment And Utensil Cleaning And Sanitizing
- 81 Equipment And Utensil Handling And Storage
- 82 Water System
- 83 Wastewater
- 85 Lavatory Facilities
- 86 Garbage And Refuse
- 87 Vermin And Animal Control
- 88 Floors
- 89 Walls, Ceilings
- 90 Physical Facilities; Cleaning
- 91 Lighting
- 93 Dressing Rooms And Locker Areas
- 94 Poisonous Or Toxic Materials
- 95 Premises
- 96 Other Requirements

SUBCHAPTER 5: VENDING MACHINE OPERATIONS

- 100 Food, Consumer Containers, Equipment Maintenance And Operations
- 101 Machine Location
- 102 Exterior Construction And Maintenance
- 103 Interior Construction And Maintenance
- 104 Water Supply
- 105 Waste Disposal
- 106 Delivery Of Food, Equipment, And Supplies to Machine Location
- 107 Personal Cleanliness
- 108 Employee Health

Food and Drug Branch
591 Ala Moana Boulevard
Honolulu, HI 96813
586-4725 FAX: 586-4729

Hawaii District Health Office/Hilo
1582 Kamchamcha Avenue
Hilo, HI 96720
933-0917 FAX: 933-0400

Hawaii District Health Office/Kona
81-980 Helekii Street, Suite 103
Kealahou, HI 96750
322-1507 FAX: 322-1511

Sanitation Branch
591 Ala Moana Boulevard
Honolulu, HI 96813
586-8000 FAX: 586-8040

Maui District Health Office
54 High Street, Room 300
Wailuku, HI 96793
984-8230 FAX: 984-8237

Kauai District Health Office
3040 Umi Street
Lihue, HI 96766
241-3323 FAX: 241-3566

STATE OF HAWAII
DEPARTMENT OF HEALTH

Page 1 of 2

FOOD ESTABLISHMENT INSPECTION REPORT

EST. NAME Giovannis Aloha Shrimp Commissary DATE May 23, 12
 EST. ADDRESS 56 505 Kanehahue Hwy TIME START 11:00 TIME END 12:00
 OWNER NAME Lucky 4 Enterprises PERSON IN CHARGE Thoy Nitsche
 PERMIT NO. 9255 EST TYPE 4021 INSP TYPE R R-REGULAR C-COMPLAINT
 F-FOLLOWUP CF-COMPLAINT FOLLOWUP
 CO-CONSULTATION O-OTHER

The section(s) listed below identify violation(s) of Hawaii Administrative Rules, Chapter 11-12. Failure to correct the violation(s) by the specified date(s) may lead to enforcement action.

SECTION # (See back of sheet)	DESCRIPTION OF VIOLATION	CORRECT BY
<u>45</u>	<u>hand sink removed, reinstall</u>	<u>5/24/12</u>
<u>54</u>	<u>chemical cleaner in 1 qt plastic spray bottle not labeled, stored next to marinade</u>	<u>2</u>
<u>49</u>	<u>Numerous holes in wall under sink, behind equipment (2nd - possible areas for vermin to hide, enter and exit.)</u>	<u>6/7/12</u>
<u>35</u>	<u>washing of rice cooker pots done outside not a 2/3 script sink. All cleaning / sanitizing of equipment shall be done in kitchen</u>	<u>5/24/12</u>
<u>41</u>	<u>clean the pots stored on rack outside, store in</u>	<u>5/24/12</u>
<u>37</u>	<u>Observed manual washing, no sanitizing step</u>	<u>5/24/12</u>

SECTION NUMBERS CORRECTED:

REMARKS

Refrigeration - 3 dr RE = 36°F

Shrimp prior to putting in vacuum (after thawing) @ 39°F

Note: No cooking in eat. only prep (shrimp) / storage

Note: As a precaution do not leave marinade out unrefrigerated for a prolonged period of time (not 1 hour) IF not used for prolonged period (1-2 hrs) refrigerate

Thoy Nitsche
 RECEIVED BY (NAME & TITLE)

Thoy Nitsche
 SIGNATURE OF AGENT/DEPT. OF HEALTH

R.S. LIC. NO.

SAN INSP FOOD 09/07

COPY TO ESTABLISHMENT

JA000285
 SU 4/1 CL sb

STATE OF HAWAII
DEPARTMENT OF HEALTHPage 2 of 2

FOOD ESTABLISHMENT INSPECTION REPORT - SUPPLEMENT

EST. NAME Giovanni's Aloha Shrimp Commission PERMIT NO. 0225 DATE 8/20/13

REMARKS

Shrimp - frozen, 20 lb case, 10-12 bags -> sink them in cold
tap water -> 15 minutes -> place in 10" deep, 8" wide, 14" long
plastic tub w/ cover -> reach in water (38°F) shrimp going over
3 lb @ 38°F. Next added handful of olive oil, chopped
commercially peeled pig's ear garlic (Christopher's Band), onion,
marinated for 1-2 hrs then taken to wagon, placed on cooler
with ice + cooked upon demand

Johnny Bunker
RECEIVED BY (NAME & TITLE)

h m
SIGNATURE OF AGENT/DEPT. OF HEALTH R.S. LIC. NO.

Exhibit C. Discovery Responses

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 4,220,686
Mark: GIOVANNI'S ALOHA FOODS
Registration date: October 9, 2012

In the matter of Trademark Registration No. 4,224,400
Mark: GIOVANNI'S SCAMPI MARINADE
Registration date: October 16, 2012

In the matter of Trademark Registration No. 4,232,569
Mark: GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK
Registration date: October 30, 2012

In the matter of Trademark Registration No. 4,248,595
Mark: GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE
Registration date: November 27, 2012

LuckyU Enterprises, Inc., dba Giovanni's	:	
Original White Shrimp Truck	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92057023
	:	
John "Giovanni" Aragona	:	
	:	
Respondent.	:	

**PETITIONER'S RESPONSES TO REGISTRANT'S
FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rule of Civil Procedure 33, Petitioner LuckyU Enterprises, Inc. ("Petitioner") hereby responds and objects to the First Set of Interrogatories propounded by Respondent, John "Giovanni" Aragona ("Respondent" or "Registrant"), as follows:

INTRODUCTION

The following responses, while based on diligent exploration by Petitioner and its counsel, are necessarily supported only by those facts and writings, presently and specifically known and readily available to Petitioner. Petitioner has not completed its investigation of all the facts related to the subject matter of this action, discovery, or its preparation for the Cancellation proceeding. Petitioner therefore makes these Responses without prejudice to its right to produce at any stage of these proceedings, including at trial, evidence of any facts or information that Petitioner may later recall or discover. Petitioner further reserves the right to change, amend or supplement any or all of the matters contained in these Responses with factors or information that it learns was omitted by inadvertence, mistake, excusable neglect, and as additional facts are ascertained, analyses are made, research is completed and contentions are made in this proceeding.

These Responses also are made solely for the purpose of this action, and are subject to all objections as to competence, relevance, materiality, propriety and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such Request were asked of, or statements contained herein were made by, a witness present and testifying in this proceeding. All such objections and grounds are expressly reserved and may be interposed during the testimony period.

Petitioner's Response to each individual Interrogatory is submitted without prejudice to, and without in any way waiving, the general objections listed below but not expressly set for in that response. These objections are incorporated into every response and are set forth here to avoid the duplication and repetition of restating them for each Interrogatory. These general objections may specifically be referred to in response to a Interrogatory for clarity; however, the

failure to specifically repeat a general objection should not be construed as a waiver of the objection. Moreover, no incidental or implied admissions are intended by the Responses below. The fact that Petitioner has answered or objected to all or part of any Interrogatory should not be construed or taken as an admission that Petitioner accepts or admits the existence of any purported facts set forth or assumed by such Request or that Petitioner has waived or intended to waive any part of any objection to the Request. Furthermore, Petitioner's objections to Registrant's Interrogatories do not necessarily reflect the existence of the requested information.

GENERAL OBJECTIONS

1. Petitioner objects to these Interrogatories to the extent they seek to impose an obligation on Petitioner which exceeds a litigant's discovery obligations as provided by the Federal Rules of Civil Procedure or the Trademark Rules of Practice.

2. Petitioner objects to these Interrogatories to the extent they use vague, ambiguous, indefinite or undefined terms and are overly broad and unduly burdensome so as to render it impossible to respond in any reasonable manner or amount of time.

3. Petitioner objects to these Interrogatories to extent they seek information publicly available and/or already in the possession of Registrant and/or information in the custody or control of third parties.

4. Petitioner objects to these Interrogatories to the extent they encompass and seek documents, information or communications protected from discovery on grounds of the attorney-client privilege, work product immunity, trial preparation material and/or other applicable privileges or immunities from discovery and such information will be withheld (herein generally referred to as "privilege").

5. Petitioner objects to each Interrogatory to the extent that investigation and discovery are ongoing.

6. Petitioner objects to the multiplicity of the Interrogatories; there are clearly more than the numbered 28. For instance, Interrogatory No. 1 is comprised of numerous parts.

7. The specific Responses set forth below are based upon Petitioner's interpretation of the language used in the Interrogatories, and Petitioner reserves the right to amend or supplement further its responses in the event Registrant asserts an interpretation that differs from Petitioner's interpretation.

8. Petitioner objects to the definition "Registrant's Marks" as vague and indefinite and further objects to each request that uses the term "Registrant's Marks." Petitioner further objects to the extent the definition seeks to suggest Registrant's ownership of the marks and that Registrant owns marks that are not the subject of any registrations. Petitioner further objects to the Requests to the extent they refer to a time frame and events when Registrant did not own the Registrations, was not an owner of the mark(s), and/or and was not the sole owner of the mark.

9. Petitioner objects to the definition "Marks in Petitioner's Applications" as vague and indefinite and further objects to each request that uses the term "Petitioner's Applications."

10. Petitioner objects to these Requests to the extent they refer to "marks" as undefined, vague, ambiguous and indefinite and further is confusing and incongruent with Registrant's definition for "Marks in Petitioner's Applications and therefore Petitioner cannot respond to any Interrogatory requesting this information.

11. Petitioner objects to term "the Amendment" as vague and indefinite and further objects to each request that uses the term "Amendment." Petitioner further objects to the extent the definition seeks to suggest there was an effective, agreed-upon or signed Amendment to the

Asset Purchase Agreement and tries to mischaracterize the terms of the signed Asset Purchase Agreement.

12. Petitioner objects to definition No. 12 referring to the definition of “document” as overly broad and unduly burdensome to the extent it requires identification and a general description, the number of pages in the document and any other request outside the normal bounds of discovery.

13. Each and all of these General Objections are hereinafter incorporated by reference in response to each and every Request.

INTERROGATORIES

INTERROGATORY NO. 1: With respect to each of the Marks in Petitioner’s Applications, (a) identify the person(s) most knowledgeable with respect to the adoption, use, projected use, or of the marks, (b) identify the date of first use in commerce of each of the marks, and (c) state in detail each and every product or service identified by the marks.

RESPONSE:

Petitioner objection to this interrogatory to the extent it requests publicly available information. Further, Petitioner objects to this request to the extent the term “marks” is vague and indefinite and to the extent the term is defined by Registrant as stated in General Objection No. 10 above. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and as stated in General Objection No. 9 above. Petitioner also objects to the phrase “or of the marks” as vague and ambiguous. Petitioner also objects to this interrogatory because the term “use” is vague, ambiguous and undefined. Petitioner also objects to the request to the extent it is a compound interrogatory and therefore should be treated as such, i.e., the

interrogatory requests (1) identification of a person or persons, (2) requests the date of first use of each “mark” and (3) requests each product and service identified by the “marks.”

Subject to and without waiver of the foregoing objections, Petitioner refers Respondent to the individual identified in Petitioner’s Initial Disclosures and, specifically, Troy Nitsche. In order to answer the second two requests, and to extent Petitioner understands this Interrogatory, Petitioner directs Registrant to the Petition for Cancellation paragraphs 10-12 and U.S. Trademark Application Serial Nos. 85/897,872 and 85/897,861. As stated therein, GIOVANNI’S ORIGINAL WHITE SHRIMP TRUCK was first used in commerce at least as early as March 1, 1998. GIOVANNI’S SHRIMP TRUCK was first used in commerce at in November of 1997. The mark GIOVANNI’S ALOHA SHRIMP was first used by Petitioner in November of 1997. The services associated with each mark are: providing food and drink; providing food and drink via a mobile truck; restaurant services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverages for consumption on and off the premises; serving food and drinks.

INTERROGATORY NO. 2: For each of the Marks in Petitioner’s Applications, state all channels of trade in which each product or service identified, or to be identified, have been sold, are presently sold or offered for sale, or intended to be offered for sale, and state all manners in which these products or services are distributed, offered for sale and/or sold, or intended to be distributed, offered for sale and/or sold.

RESPONSE:

Petitioner objects to this Interrogatory to the extent it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Petitioner further objects to this interrogatory to the extent it requests publicly available information. Petitioner

further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and as stated in General Objection No. 9 above. Petitioner further objects to the phrase “all channels of trade” as vague, ambiguous and undefined. For purposes of its response, Petitioner interprets “all channels of trade” to mean generally how/through whom products or services are sold to consumers.

Subject to and without waiver of the foregoing objections, Petitioner currently provides the following: providing food and drink; providing food and drink via a mobile truck; restaurant services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverages for consumption on and off the premises; serving food and drinks. These services are currently offered at two locations (i.e., the “Haleiwa Property” and the “Kahuku Property”).

INTERROGATORY NO. 3: Identify each geographic area and location in the United States in which Petitioner, or others under the authority of Petitioner, have advertised or promoted (or intends to advertise or promote) the products and/or services identified in response to Interrogatory No. 1, including the date of the advertisement, the name of the publication(s) in which any print advertisements appeared, the name of the radio or television station(s) in which a broadcast advertisement was broadcast, and all documents relating to all such advertising or promotion. With regard to internet websites, identify the address or the “URL” of each website, describe what is offered on the site and when each item was first offered at the site, and describe in detail whether items as advertised can be purchased from the web site or whether only information is offered at the web site.

RESPONSE:

Petitioner objects to this Interrogatory to the extent it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Petitioner further objects to this interrogatory to the extent it requests publicly available information. Petitioner objects to the phrase “geographic area and location” as vague and indefinite. Further, Petitioner objects to the phrase “authority of Petitioner” as vague, ambiguous and undefined.

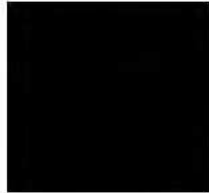
Subject to and without waiver of the foregoing objections, Petitioner owns and uses the website www.giovanisshrimptruck.com which advertises the services, but does not presently directly sell any products. The website has been in operation since approximately January 5, 2011. Petitioner’s restaurant services are rendered in Hawaii, and most advertising is directed to Hawaii and its residents and visitors, but Petitioner’s trademarks and accompanying services are also known outside Hawaii and within the rest of the United States and other foreign jurisdictions. For example, see the Travel Channel episode featuring Hawaii and Petitioner’s shrimp truck at <http://www.travelchannel.com/video/adam-goes-hawaiian>. Petitioner directs Respondent to documents produced in this proceeding by Petitioner, and Petitioner is making appropriate inquiries and will supply additional relevant information if available at the appropriate time.

INTERROGATORY NO. 4: State the annual dollar amount expended by Petitioner or by others under the authority of or at the direction of Petitioner, for all advertising and promotion identified in your response to Interrogatory No. 3, from the date of first use of each mark to the present.

RESPONSE:

Petitioner objects to this interrogatory to the extent the phrase “others under the authority of or at the direction of Petitioner” is vague and indefinite.

Subject to and without waiver of the foregoing objections, Petitioner can only state with certainty its annual advertising and promotion since 2008 is around:



Petitioner further directs Respondent to documents produced in this proceeding by Petitioner and Petitioner is making appropriate inquiries and will supply additional relevant information if available at the appropriate time. This response should be considered HIGHLY

CONFIDENTIAL – TRADE SECRET/COMMERCIALY SENSITIVE.

INTERROGATORY NO. 5: Identify each person who possesses knowledge of the facts surrounding the selection, adoption and use of each of the Marks in Petitioner’s Applications, state in detail the knowledge of each such person possesses, identify all documents related to the selection, adoption, and use of these marks, and state in detail all reasons for the selection of these marks as opposed to any other mark.

RESPONSE:

Petitioner objects to this Interrogatory to the extent it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Further, Petitioner objects to this request to the extent the term “marks” is vague and indefinite as stated in General Objection No. 9 above. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant as stated in General Objection No. 8 above. Petitioner

further objects to the term “use” as vague, ambiguous and undefined. Petitioner also objects to the extent this request is unduly burdensome as it appears to request that petitioner explain in detail the reasons why “any other mark” was not selected which is an indefinite term.

Furthermore, Petitioner objects to the request to the extent it is a compound interrogatory and therefore should be treated as such, i.e., the interrogatory requests (1) identification of a person or person, (2) identification of documents and (3) requests a statement in detail “all reasons for the selection of these marks.”

Subject to and without waiver of the foregoing objections, Petitioner identifies Troy Nitsche as described in Petitioner’s Initial Disclosures and further identifies Jim Goodrich of 149 Plantation Circle, Ponte Vidra Beach, FL 32082. Further, Petitioner identifies all persons identified in Petitioner’s Initial Disclosures, including John and Connie Aragona. Petitioner further responds that Nitsche Enterprises, Inc., Petitioner’s predecessor-in-interest entered into an asset purchase agreement with John and Connie Aragona and purchased all assets associated with their shrimp food truck known as Giovanni’s Aloha Shrimp including any goodwill thereto in the mark GIOVANNI’S ALOHA SHRIMP. Subsequent to the purchase of all the assets, Petitioner adopted the marks GIOVANNI’S SHRIMP TRUCK and GIOVANNI’S ORIGINAL WHITE SHRIMP TRUCK in order to differentiate Petitioner’s services from those of competitors. To the extent any documents exist evidencing the selection, adoption and use of these marks, the documents will be produced at the appropriate time.

INTERROGATORY NO. 6: State your annual gross revenue for each product or service identified by each of the Marks in Petitioner’s Applications, and identify each person with knowledge of the facts set forth in response to this Interrogatory and state the specific knowledge that each person possesses.

RESPONSE:

Petitioner objects to this Interrogatory as overbroad and unduly burdensome and not likely to lead to admissible evidence and therefore not relevant to the extent it is unlimited in time. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and stated in General Objection No. 9 above.

Subject to and without waiver of the foregoing objections Petitioner responds that the various restaurant services described in U.S. Trademark Application Serial Nos. 85/897,872 and 85/897,861 grossed approximately [REDACTED] in 2012. Petitioner grossed around [REDACTED] in 2010 and [REDACTED] in 2011. Petitioner’s predecessor, Nitsche Enterprises, grossed approximately [REDACTED] in 1998. Troy Nitche has the specific knowledge relating to Petitioner’s annual gross revenue for its various restaurant services. Petitioner further directs Respondent to documents produced in this proceeding by Petitioner and Petitioner is making appropriate inquiries and will supply additional relevant information if available at the appropriate time. This response should be considered HIGHLY CONFIDENTIAL – TRADE SECRET/COMMERCIALY SENSITIVE.

INTERROGATORY NO. 7: Identify each search, clearance, watch service, investigation or other inquiry, prepared by you, or on your behalf, directed to each of the Marks in Petitioner’s Applications; Registrant’s Marks; and/or any other mark including the term “Giovanni’s” as a component, and state the nature and means of preparing each such clearance, watch service report, investigation or other inquiry, the date(s) upon which each such clearance, watch service report, investigation, or other inquiry was conducted, the identity of each person involved in conducting, receiving and reviewing such search clearance, watch service report, investigation or

other inquiry, and each person who authorized each such clearance, watch service report, investigation or other inquiry.

RESPONSE:

Petitioner objects to this Interrogatory to the extent it seeks information subject to attorney-client privileged information and/or attorney work-product protection. Further, Petitioner objects to this request to the extent the term “mark” is vague and indefinite and as stated in General Objection No. 9 above. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and stated in General Objection No. 9 above. Furthermore, Petitioner objects to the phrase “Registrant’s Marks” as defined by Registrant and stated in General Objection No. 9 above.

Subject to and without waiver of the foregoing objections, Petitioners responds that Jim Goodrich conducted a search of the USPTO trademark records prior to filing trademark applications for certain marks in 2010.

INTERROGATORY NO. 8: Describe in detail your use, intended use, or anticipated use in commerce in the United States and the circumstances surrounding first use for each of the Marks in Petitioner’s Applications and any other mark that includes the term “Giovanni’s” as a component.

RESPONSE:

Petitioner objects to this interrogatory to the extent it seeks a legal conclusion. Petitioner further objects to the term “use” as vague and indefinite and thus describing use is also confusing. Petitioner further objects to the terms “intended use” and “anticipated use” as vague, indefinite, and not likely to lead to admissible evidence and are therefore irrelevant. Further, Petitioner objects to this request to the extent the term “marks” is vague and indefinite and as

stated in General Objection No. 10 above. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and as stated in General Objection No. 9 above. Petitioner also objects to the phrase “circumstances surrounding” as vague, indefinite and undefined. Petitioner also objects to the request to the extent it is a compound interrogatory and therefore should be treated as such, i.e., the interrogatory requests (1) detail use (2) intended use (3) anticipated use and (4) circumstances surrounding first use.

Subject to and without waiver of the foregoing objections, Petitioner uses the marks, defined in the Petition for Cancellation at paragraphs 10-12, in connection with the sale of shrimp and related food from its food trucks and further with services described in U.S. Trademark Application Serial Nos. 85/897,872 and 85/897,861 and as explained more fully above in Petitioner’s Response to Interrogatory No. 1. Petitioner’s predecessor, Nitsche Enterprises, first started using the marks after it purchased the assets defined in the APA including any goodwill in the mark, if any, and the prior use benefits Nitsche Enterprises. Petitioner first started using the marks after the formation of LuckyU Enterprises, Inc d/b/a Giovanni’s Original White Shrimp Truck in 2001.

INTERROGATORY NO. 9: State whether you claim any trademark rights in any of Registrant’s Marks, the Marks in Petitioner’s Applications, and/or any other mark that includes the term “Giovanni’s” as a component, and how you claim those rights arose (i.e., whether by assignment, license, operation of law, or other transfer, express or implied), stating the precise right acquired by you from each such person, the date(s) on which you acquired rights, and identifying any relevant documents relating to such acquisition of rights and the means whereby such acquisition of rights was accomplished.

RESPONSE:

Petitioner objects to the extent this Interrogatory seeks a legal conclusion. Further, Petitioner objects to this request to the extent the term “marks” is vague and indefinite and as stated in General Objection No. 9 above. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and stated in General Objection No. 9 above. Petitioner also objects to the phrase “Registrant’s Marks” as vague and indefinite as stated in General Objection No. 8 above.

Subject to and without waiver of the foregoing objections, Petitioner has trademark rights in at least the marks described in the Petitioner for Cancellation. Petitioner’s rights arose from continued use of the marks since Petitioner’s formation in 2001 and before that from the use of the marks since Nitsche Enterprises purchased the assets in the APA from the sellers, Connie Aragona and John Aragona.

INTERROGATORY NO. 10: Other than this proceeding, state whether you are presently, or have ever been, a party to any litigation, TTAB proceeding, or other proceeding anywhere in the world, in which the similarity of the Marks in Petitioner’s Applications to a third party’s mark was at issue. If you were the objecting party, identify all individuals involved in making the decision to object.

RESPONSE:

Petitioner objects to this interrogatory to the extent it calls for information neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Further, Petitioner objects to this request to the extent the term “mark” is vague and indefinite and as stated in General Objection No. 10 above. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and stated in General Objection No. 9

above. Petitioner also objects to the term “similarity” as vague, ambiguous and indefinite.

Petitioner also objects to the phrase “was at issue” as vague, ambiguous and indefinite.

Subject to and without waiver of the foregoing objections, Petitioner is not aware of any other proceeding involving the marks described in the Petition for Cancellation.

INTERROGATORY NO. 11: Identify each person who prepared, assisted in the preparation of, providing information, who was consulted, or whose documents or files were consulted for the answers to the foregoing and following interrogatories, stating each interrogatory that each such individual prepared, assisted in the preparation of, provided information for, who was consulted for, or whose documents or files were consulted for the answer thereto.

RESPONSE:

Petitioner objects to this interrogatory to the extent it seeks information subject to attorney-client privilege and/or attorney work-product protection. Petitioner further objects to the phrase “providing information” as vague, ambiguous and otherwise confusing.

Subject to and without waiver of the foregoing objections, Petitioner identifies Troy Nitsche and Jim Goodrich, and responds that both Mr. Nitsche and Mr. Goodrich were involved in the preparation of most of these interrogatories. Mr. Nitsche was solely responsible for responding to Interrogatory Nos. 4 and 6.

INTERROGATORY NO. 12: If you have ever conducted or caused to be conducted on its behalf any market survey or other investigation which disclosed or related in any way to consumer recognition or awareness of any of the Marks in Petitioner’s Applications, Registrant’s Marks, or any other mark that includes the term “Giovanni’s” as a component, identify the date or dates of such survey or investigation, each person who conducted or is conducting such survey

or investigation, the results of such survey or investigation, and all documents which relate in any way to such survey or investigation.

RESPONSE:

Petitioner objects to this interrogatory to the extent it uses “its” as incomprehensible. Further, Petitioner objects to this request to the extent the term “marks” is vague and indefinite and as stated in General Objection No. 10 above. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and stated in General Objection No. 9 above. Petitioner also objects to the phrase “Registrant’s Marks” as vague and indefinite and as stated in General Objection No. 8 above. Petitioner also objects to the phrase “market survey” as undefined and ambiguous. Petitioner also objects to the phrase “other investigation” as undefined, vague and ambiguous.

Subject to and without waiver of the foregoing objections, and to the extent Petitioner understands this interrogatory, Petitioner has not conducted an investigation related to consumer recognition or awareness of the marks described in the Petition for Cancellation.

INTERROGATORY NO. 13: Identify each non-party witness from whom you intend to seek testimony (by affidavit, declaration, or deposition) in connection with this proceeding and, for each, the specific optics on which the witness will testify and if the witness is an expert, the substance of the facts relied upon and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

RESPONSE:

Petitioner objects to this interrogatory to the extent it uses the term “optics” as undefined, vague and ambiguous.

Subject to and without waiver of the foregoing objections, Petitioner has not yet identified all witnesses it plans to call in this case. Petitioner might call the people identified in its Initial Disclosures and others. Petitioner is making appropriate inquiries and will identify all relevant witnesses at the appropriate time.

INTERROGATORY NO. 14: Identify all licenses, assignments, franchise agreements, settlement agreements, distribution agreements, manufacturing agreements, supply agreements, operating agreements, and any other agreements which relate to the use and/or acquisition of any of the Marks in Petitioner's Applications, Registrant's Marks, and/or any other mark that includes the term "Giovanni's" as a component.

RESPONSE:

Petitioner objects to this interrogatory to the extent the term "mark" is vague and indefinite and as stated in General Objection No. 10 above. Petitioner further objects to the phrase "Marks in Petitioner's Applications" as defined by Registrant and as stated in General Objection No. 9 above. Petitioner also objects to the phrase "Registrant's Marks" as vague and indefinite and as stated in General Objection No. 8 above. Petitioner also objects to the term "relate to" as vague, ambiguous and overly broad. Petitioner also objects to the extent this request calls for information relating to "any other mark" as vague, ambiguous, overly broad and unduly burdensome and neither relevant nor likely to lead to admissible evidence.

Subject to and without waiver of the foregoing objections, Petitioner identifies the APA which relates to the acquisition of assets associated with Petitioner's subsequent use of its marks including the rights in the name Giovanni's Aloha Shrimp. Petitioner also identifies the Limited Liability Member Agreement for Giovanni's Aloha Foods, Inc., executed on October 1, 1999 between John Aragona, Connie Aragona, Troy Nitsche, Jim Goodrich, and Diane Wong.

Petitioner is currently not aware of any other agreements relating to the use/acquisition of the marks identified in the Petition for Cancellation. Petitioner is making appropriate inquiries and will supply additional relevant information if available and at the appropriate time.

INTERROGATORY NO. 15: Identify each product and service that you sell or offer for sale or intend to offer for sale that is identified by any mark that contains any of the Marks in Petitioner's Applications, Registrant's Marks, and/or any other mark that include the term "Giovanni's" as a component, alone or in combination, and for each such product, identify its retail price.

RESPONSE:

Petitioner objects to this interrogatory to the extent the term "mark" is vague and indefinite and as stated in General Objection No. 10 above. Petitioner further objects to the phrase "Marks in Petitioner's Applications" as defined by Registrant and stated in General Objection No. 9 above. Petitioner also objects to the phrase "Registrant's Marks" as vague and indefinite and as stated in General Objection No. 8 above. To the extent this interrogatory requests information regarding "intent to offer for sale" Petitioner objects that this request is overly broad, unduly burdensome, and internally inconsistent and confusing and not likely to lead to relevant or admissible evidence. Petitioner also objects to the extent this request calls for information relating to "any other mark" as vague, ambiguous, overly broad and unduly burdensome, and neither relevant nor likely to lead to admissible evidence. Petitioner also objects to the request to the extent it is a compound interrogatory and therefore should be treated as such, i.e., the interrogatory requests (1) identification of each product and service and (2) identification of 'retail price.'

Subject to and without waiver of the foregoing objections, Petitioner will produce relevant documents from which Registrant can obtain the menu prices and, for a sample of pricing, Petitioner responds as follows:

- (a) Shrimp Scampi = \$13.00
- (b) The “No Refunds” Hot & Spicy Shrimp = \$13.00
- (c) Lemon Butter Shrimp = \$13.00
- (d) Jumbo Garlic Hotdog = \$3.50

INTERROGATORY NO. 16: Identify any instance in which a court, tribunal, government or public body determined that a third party violated any rights you own in any of the Marks in Petitioner’s Applications.

RESPONSE:

Petitioner objects to the phrase “any instance” as vague and indefinite. Petitioner further objects to the phrase “determined that a third party violated any rights you own” as vague, ambiguous, indefinite and undefined. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and stated in General Objection No. 9 above.

Subject to and without waiving the foregoing objections, Petitioner is unaware of any determination that a third-party violated Petitioner’s rights in the marks identified in the Petition for Cancellation.

INTERROGATORY NO. 17: State whether you are aware of any instances of actual confusion between goods and/or services identified by any of the Marks in Petitioner’s Applications and goods and/or services identified by and of the Registrant’s Marks, and for each such instance of actual confusion, state the relevant facts concerning the discovery of such actual confusion,

identify all persons with knowledge regarding such actual confusion and identify all documents evidencing such actual confusion.

RESPONSE:

Petitioner objects to this interrogatory to the extent it uses the phrase “Marks in Petitioner’s Applications” as defined by Registrant and stated in General Objection No. 9 above. Petitioner also objects to the phrase “Registrant’s Marks” as vague and indefinite and as stated in General Objection No. 8 above. Petitioner further objects to the phrase “instances of actual confusion” as vague, ambiguous and indefinite. Petitioner objects to the request to the extent it is a compound interrogatory and therefore should be treated as such, i.e., the interrogatory requests (1) state all facts (2) identify all persons and (3) identify all documents.

Petitioner is making appropriate inquiries and will supplement this response if necessary at the appropriate time. Subject to and without waiver of the foregoing objections, Petitioner is aware that Registrant’s website, www.giovannissauces.com, utilizes the marks subject to this cancellation proceeding with pictures of Petitioner’s food truck. The same website contains customer comments that refer to Petitioner, not Registrant, as described in the Petition for Cancellation at paragraphs 18-19.

INTERROGATORY NO. 18: Identify all persons with knowledge with regard to any claim or defense asserted by you in connection with this proceeding and for each person so identified state the nature of such knowledge.

RESPONSE:

Petitioner objects to this interrogatory to the extent it seeks information subject to attorney-client privilege and/or attorney work-product protection. Petitioner also objects to this

interrogatory to the extent it seeks “all persons” and the “nature of such knowledge” as overly broad and unduly burdensome.

Subject to and without waiver of the foregoing objections, Petitioner is continuing its investigation in this case. Petitioner submits that the individuals identified in its Initial Disclosures, Jim Goodrich, and others have knowledge of Petitioner’s use of Petitioner’s marks, Registrant’s improper attempts to register the marks and Registrant’s non use of the marks, as described in the Petition for Cancellation. Petitioner is making appropriate inquiries and will identify all relevant persons at the appropriate time.

INTERROGATORY NO. 19: If you contend that Registrant abandoned Registrant’s Marks, or abandoned any rights or interests with respect to any of such marks, please state all facts supporting such contention, identify any documents or things reflecting or evidencing such facts and identify all persons with knowledge or any such facts or who possess evidence of any such facts.

RESPONSE:

Petitioner objects to this interrogatory to the extent it seeks information subject to attorney-client privilege and/or attorney work-product protection. Petitioner also objects to the extent this request calls for a legal conclusion. Petitioner objects to this interrogatory as overly broad and unduly burdensome to the extent it calls for information not in the custody and control of Petitioner. Petitioner also objects to the phrase “Registrant’s Marks” as vague and indefinite and as stated in General Objection No. 8 above. Further, Petitioner objects to the phrase “any rights or interests” as vague and indefinite. Petitioner further objects to the extent this interrogatory implies that Registrant had rights in any mark at any time, no matter how defined.

Petitioner states that discovery is ongoing and Petitioner is making appropriate inquiries and will supply additional relevant information if available at the appropriate time. Subject to and without waiver of the foregoing objections, Petitioner refers to its Initial Disclosures document to identify persons with knowledge regarding Registrant's use of the marks identified in the U.S. Trademark Registrations identified above and Petitioner further identifies Jim Goodrich as a person with knowledge of Registrant's non use of the marks. Petitioner further refers Registrant to paragraph 7 of the Petitioner for Cancellation and the fact that Petitioner had no contact with Registrant for nearly ten years and, upon information, Registrant was living in New York engaging in other activities such as driving a taxi. Prior to Petitioner's predecessor's acquisition of rights in the marks and the business, John Aragona and his wife Connie Aragona were joint sellers of the business under the APA. Subsequent to the APA, Connie Aragona enlisted three hired assailants and assaulted and threatened Petitioner's president if he did not sign over the rights to the shrimp truck business and, thereafter, Ms. Aragona was incarcerated for these crimes, among others.

INTERROGATORY NO. 20: If you contend that Petitioner obtained rights and interests in any of the Marks in Petitioner's Applications and/or the Registrant's Marks independent of any relationship with Registrant, please state all facts supporting such contention, identify any documents or things reflecting or evidencing such facts and identify all persons with knowledge of any such facts or who possess evidence of any such facts.

RESPONSE:

Petitioner objects to this request to the extent it calls for a legal conclusion. Petitioner also objects to this interrogatory to the extent the phrase "obtained rights and interests" is undefined, vague and ambiguous. Petitioner further objects to the phrase "Marks in Petitioner's

Applications” as defined by Registrant and as stated in General Objection No. 9 above. Petitioner further objects to the phrase “Registrant’s Marks” as vague and indefinite and as stated in General Objection No. 8 above. Petitioner also objects to the use of the term “independent” as vague and indefinite. Petitioner also objects to the extent this interrogatory implies there was or is a relationship between Petitioner and Registrant.

Petitioner is making appropriate inquiries and will supply additional relevant information if available at the appropriate time. Subject to and without waiver of the foregoing objections, Petitioner refers to its Initial Disclosures to identify persons with knowledge regarding Petitioner’s use of the marks identified in the Petition for Cancellation and Petitioner further identifies Jim Goodrich as a person with knowledge of Petitioner’s use of the marks. Petitioner’s trademark rights in its marks have at least arisen through extensive use of the marks since Nitsche Enterprises purchased the assets in the APA and later through Petitioner’s extensive and continuous use of the marks since its formation in 2001.

INTERROGATORY NO. 21: State the date upon which Petitioner first became aware that Registrant claimed a right to the ownership and use of any of the Marks in Petitioner’s Applications and/or any of Registrant’s Marks contrary or adverse to Petitioner’s use of such marks.

RESPONSE:

Petitioner objects to this interrogatory to the extent the phrase “first became aware that Registrant claimed a right to the ownership and use of any” is vague, ambiguous, and indefinite. Petitioner furthers objects to this interrogatory to the extent the term “marks” is vague and as stated in General Objection No. 10 above. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and as stated in General Objection No. 9

above. Petitioner further objects to the phrase “Registrant’s Marks” as vague and indefinite and as stated in General Objection No. 8 above. Furthermore, Petitioner objects to the phrase “contrary or adverse” as vague and indefinite.

Subject to and without waiver of the foregoing objections, Petitioner first learned that Registrant was trying to claim some interest in Registrant’s now federally registered marks on or around August 24, 2011 when the PTO issued an Office Action based on a Letter of Protest.

INTERROGATORY NO. 22: State the date upon which you first became aware that Registrant was making a demand for Petitioner to cease use of Registrant’s Marks and/or the Marks in Petitioner’s Applications.

RESPONSE:

Petitioner objects to the interrogatory to the extent the term “aware” is ambiguous and indefinite. Petitioner further objects that this request is unduly burdensome to the extent that Registrant should know when he made Petitioner aware of his demand. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and as stated in General Objection No. 9 above. Petitioner further objects to the phrase “Registrant’s Marks” as vague and indefinite and as stated in General Objection No. 8 above.

Subject to and without waiver of the foregoing objections, Petitioner received a letter from Registrant’s lawyer, Jamie Pitts, on or around February 25, 2013. In that letter, Ms. Pitts informed Petitioner that “Mr. John Aragona, the founder of Giovanni’s Shrimp Truck and Giovanni’s Aloha Foods” terminates the APA entered into with Mr. Aragona. In the letter, Ms. Pitts concluded that the cancellation of the APA “includes termination of its grant of a right to use the trademarks owned by [Mr. Aragona].” In this letter, Ms. Pitts informed Petitioner that Mr. Aragona was “willing to negotiate a license agreement.”

INTERROGATORY NO. 23: If Petitioner's response to any Request for Admission served on August 20, 2013 is anything but unqualified admission, please state all facts supporting such response, identify any documents or things reflecting or evidencing such facts and identify all persons with knowledge of any such facts or who possess evidence of any such facts.

RESPONSE:

Petitioner objects to this interrogatory as overly broad and unduly burdensome and Petitioner will not respond. Further, Petitioner considers this a compound interrogatory consisting of 89 separate interrogatories, which is beyond the limit provided to Registrant under Federal Rule of Civil Procedure 33 and 37 C.F.R. § 2.120(d)(1).

INTERROGATORY NO. 24: Please identify all members, owners, interest holders, officers, directors or managers of LuckyU Enterprises, Inc. and describe their title, position or interest therein.

RESPONSE:

Petitioner objects to this interrogatory to the extent it is overly broad, unduly burdensome and not likely to lead to relevant and admissible evidence. Petitioner further objects to the terms "directors" and "managers" as ambiguous and indefinite. For purposes of this response, Petitioner assumes the interrogatory is directed towards the ownership structure of LuckyU Enterprises, Inc. and will respond as such.

Subject to and without wavier of the foregoing objections, Petitioner's ownership consists of three individuals, each holding separate interest percentages:

- (a) Troy Nitsche – President/Vice President/Secretary/Treasurer = 55%
- (b) Barbara Nitsche = 35%
- (c) Jim Goodrich = 10%

INTERROGATORY NO. 25: Identify all state and federal registrations, applications for registration, and uses by Petitioner of any such mark which incorporates the term “Giovanni’s,” and for each such registration, application, and use, identify all documents relating thereto.

RESPONSE:

Petitioner objects to this interrogatory as overly broad, unduly burdensome and not likely to lead to relevant and admissible evidence. Petitioner further objects to the use of the term “mark” as vague and indefinite and as stated in General Objection No. 10 above. Petitioner also objects to the extent this request calls for “all state and federal registrations” which is unduly burdensome and overly broad and neither relevant nor likely to lead to admissible evidence. Petitioner further objects to this request to the extent it is duplicative of prior interrogatory requests.

Subject to and without waiver of the foregoing objections, Petitioner directs Registrant to U.S. Trademark Application Serial Nos. 85/219,370, 85/219,363, 85/201,288, 85/201,283, 85/897,872 and 85/897,861 and the publicly available documents at the PTO.

INTERROGATORY NO. 26: Describe in detail the derivation of the term “Giovanni’s” as incorporated into the Marks in Petitioner’s Applications and identify all documents related thereto.

RESPONSE:

Petitioner objects to this interrogatory to the extent the term “derivation” is undefined and ambiguous. Further, Petitioner objects to this interrogatory to the extent it is a compound interrogatory requesting Petitioner to (1) “[d]escribe in detail” and (2) “identify all documents.” For purposes of this Interrogatory, Petitioner assumes the “identify all documents” interrogatory is incorporated in Registrant’s First Request for Production of Documents and Petitioner will

respond appropriately through its response to those requests. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and as stated in General Objection No. 9 above.

Subject to and without waiver of the foregoing objections, Nitsche Enterprises purchased assets from Connie Aragona and John Aragona, as described in the APA, including at least a mobile food truck and a sign that contained the word “Giovanni’s.” Petitioner’s predecessor incorporated the name on the truck and the sign in its promotion of its mobile food restaurant services to distinguish its shrimp truck business from other shrimp trucks in the area. Petitioner further adopted the use of “Giovanni’s” once it was formed in 2001.

INTERROGATORY NO. 27: Has petitioner ever licensed or permitted or had negotiations to license or permit, or otherwise granted rights to third parties to use the Marks in Petitioner’s Applications or any other mark that includes the term “Giovanni’s” as a component? If so, identify the party or parties that have received or sought such license or permission or other right, state the nature and extent of any such license or permitted use or right, given or negotiated, and identify and describe all documents comprising or containing any such license, permission, or other right, or any agreement in respect to such mark.

RESPONSE:

Petitioner objects to this interrogatory to the extent it is duplicative of Interrogatory No. 14 above. Petitioner further objects to the use of the term “mark” as vague and indefinite and as stated in General Objection No. 10 above. Petitioner further objects to the phrase “Marks in Petitioner’s Applications” as defined by Registrant and as stated in General Objection No. 9 above. Petitioner further objects to the term “component” as vague and ambiguous.

Subject to and without waiver of the foregoing objections, Petitioner has never granted rights to third parties to use the marks identified in the Petition Cancellation.

INTERROGATORY NO. 28: For purposes of establishing priority of use, identify the earliest date upon which Petitioner intends to rely in this proceeding with respect to its use of the Marks in Petitioner's Applications and/or any mark that includes the term "Giovanni's" and produce all documents relating to such use(s).

RESPONSE:

Petitioner objects to this request to the extent it calls for a legal conclusion. Petitioner also objects to this interrogatory to the extent it is a compound interrogatory requesting Petitioner to (1) "identify the earliest date" and (2) "produce all documents." For purposes of this Interrogatory, Petitioner assumes the "produce all documents" interrogatory is incorporated in Registrant's First Request for Production of Documents and Petitioner will respond appropriately through its response to those requests. Petitioner further objects to this interrogatory to the extent the term "mark" is vague and indefinite and as stated in General Objection No. 10 above. Petitioner further objects to the phrase "Marks in Petitioner's Applications" as defined by Registrant and as stated in General Objection No. 9 above.

Subject to and without waiver of the foregoing, Petitioner directs Registrant to the Petition for Cancellation, paragraphs 10-12, Petitioner's Response to Interrogatory No. 1 and U.S. Trademark Application Serial Nos. 85/897,872 and 85/897,861. As stated therein, GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK was first used in commerce at least as early as March 1, 1998. GIOVANNI'S SHRIMP TRUCK was first used in commerce in November of 1997. The mark GIOVANNI'S ALOHA SHRIMP was first used by Petitioner in November of 1997. It is Petitioner's understanding that Connie Aragona and John Aragona began using GIOVANNI'S

ALOHA SHRIMP sometime in 1993 and Petitioner, as successor in interest, can claim priority at least as early as January 1, 1994.

DATE: September 27, 2013

s/Jennifer Fraser/
Jennifer Fraser
Daniel Mullarkey
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Attorneys for Petitioner,
LuckyU Enterprises, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September 2013 a true and correct copy of the foregoing **Petitioner's Responses to Registrants First Set of Interrogatories** was served by First Class Mail, postage prepaid, on Respondent's Counsel, Jamie N. Pitts, The Law Office of Jamie N. Pitts, 1064 N. Tamiami Trail, STE 1533, Sarasota, FL 34236, with a courtesy copy served via e-mail to JAMIENPITTS@jnplawfirm.com.

s/Daniel Mullarkey/

Daniel Mullarkey

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 4,220,686
Mark: GIOVANNI'S ALOHA FOODS
Registration date: October 9, 2012

In the matter of Trademark Registration No. 4,224,400
Mark: GIOVANNI'S SCAMPI MARINADE
Registration date: October 16, 2012

In the matter of Trademark Registration No. 4,232,569
Mark: GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK
Registration date: October 30, 2012

In the matter of Trademark Registration No. 4,248,595
Mark: GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE
Registration date: November 27, 2012

LuckyU Enterprises, Inc., dba Giovanni's	:	
Original White Shrimp Truck	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. 92057023
	:	
John "Giovanni" Aragona	:	
	:	
Respondent.	:	

**PETITIONER'S RESPONSES TO REGISTRANT'S
FIRST REQUEST FOR ADMISSIONS**

Pursuant to Federal Rules of Civil Procedure 26 and 36, Petitioner LuckyU Enterprises, Inc. ("Petitioner") hereby responds and objects to the First Set of Requests for Admission (Nos. 1-89) propounded by Respondent, John "Giovanni" Aragona ("Respondent" or "Registrant"), as follows:

INTRODUCTION

The following responses, while based on diligent exploration by Petitioner and its counsel, are necessarily supported only by those facts and writings, presently and specifically known and readily available to Petitioner. Petitioner has not completed its investigation of all the facts related to the subject matter of this action, discovery, or its preparation for the Opposition proceeding. Petitioner therefore makes these Responses without prejudice to its right to produce at any stage of these proceedings, including at trial, evidence of any facts or information that Petitioner may later recall or discover. Petitioner further reserves the right to change, amend or supplement any or all of the matters contained in these Responses with facts or information that it learns was omitted by inadvertence, mistake, excusable neglect, and as additional facts are ascertained, analyses are made, research is completed and contentions are made in this proceeding.

These Responses also are made solely for the purpose of this action, and are subject to all objections as to competence, relevance, materiality, propriety and admissibility, and to any and all other objections on any grounds that would require the exclusion of any statements contained herein if such Request were asked of, or statements contained herein were made by, a witness present and testifying in this proceeding. All such objections and grounds are expressly reserved and may be interposed during the testimony period.

Petitioner's Response to each individual Request is submitted without prejudice to, and without in any way waiving, the general objections listed below but not expressly set forth in that response. These objections are incorporated into every response and are set forth here to avoid the duplication and repetition of restating them for each Request. These general objections may specifically be referred to in response to a Request for clarity; however, the failure to specifically

repeat a general objection should not be construed as a waiver of the objection. Moreover, no incidental or implied admissions are intended by the Responses below. The fact that Petitioner has answered or objected to all or part of any Request should not be construed or taken as an admission that Petitioner accepts or admits the existence of any purported facts set forth or assumed by such Request or that Petitioner has waived or intended to waive any part of any objection to the Request. Furthermore, Petitioner's objections to Registrant's Requests do not necessarily reflect the existence of the requested information.

GENERAL OBJECTIONS

1. Petitioner objects to these Requests to the extent they seek to impose an obligation on Petitioner which exceeds a litigant's discovery obligations as provided by the Federal Rules of Civil Procedure or the Trademark Rules of Practice.

2. Petitioner objects to these Requests to the extent they use broad or undefined terms.

3. Petitioner objects to these Requests to the extent they seek an admission as to information not within the present possession, custody or control of Petitioner. Petitioner also objects to these requests to extent they seek information publicly available and/or already in the possession of Respondent and/or information in the custody or control of third parties.

4. Petitioner objects to these Requests to the extent they encompass and seek documents, information or communications protected from discovery on grounds of the attorney-client privilege, work product immunity, trial preparation material and/or other applicable privileges or immunities from discovery and such information will be withheld (herein generally referred to as "privilege").

5. Petitioner objects to each Request to the extent it seeks an admission to or calls for scientific, medical or other expert opinion or seeks a legal conclusion.

6. Petitioner objects to each Request to the extent it seeks an admission as to information whose possible materiality is outweighed by the burden of collecting the information.

7. Petitioner objects to each Request to the extent it seeks an admission as to facts which are neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence.

8. The specific Responses set forth below are based upon Petitioner's interpretation of the language used in the Requests, and Petitioner reserves the right to amend or supplement further its responses in the event Registrant asserts an interpretation that differs from Petitioner's interpretation

9. Petitioner objects to these Requests to the extent that each is so vague, indefinite, confusing, ambiguous, overly broad, and unduly burdensome so as to render it impossible to respond in any reasonable manner or amount of time.

10. Petitioner objects to these Requests to the extent that investigation and discovery are ongoing.

11. Petitioner objects to these Requests to the extent they refer to "marks" as undefined, vague, ambiguous and indefinite.

12. Petitioner objects to DEFINITIONS AND INSTRUCTIONS and the definition at B for "Registrant's Marks" as vague and indefinite and further objects to each request that uses the term "Registrant's Marks." Petitioner further objects to the extent the definition seeks to suggest Registrant's ownership of the marks and that Registrant owns marks that are not the subject of

any registrations. Petitioner further objects to the Requests to the extent they refer to a time frame and events when Registrant did not own the Registrations, was not an owner of the mark(s), and/or and was not the sole owner of the mark.

13. Petitioner objects to DEFINITIONS AND INSTRUCTIONS and the definition at C for “Petitioner’s Applications” as vague and indefinite and further objects to each request that uses the term “Petitioner’s Applications.”

14. Petitioner objects to the DEFINITIONS AND INSTUCTIONS and the definition at G for “Amendment” as vague and indefinite and further objects to each request that uses the term “Amendment.” Petitioner further objects to the extent the definition seeks to suggest there was an effective, agreed-upon or signed Amendment to the Asset Purchase Agreement and tries to mischaracterize the terms of the signed Asset Purchase Agreement.

15. Each and all of these General Objections are hereinafter incorporated by reference in response to each and every Request.

ADMISSIONS

REQUEST NO. 1: Admit that Petitioner does not own the mark GIOVANNI’S ORIGINAL WHITE SHRIMP TRUCK.

RESPONSE:

Denied.

REQUEST NO. 2: Admit that Petitioner does not own the mark GIOVANNI’S ALOHA SHRIMP.

RESPONSE:

Denied.

REQUEST NO. 3: Admit that Petitioner does not own the mark GIOVANNI'S ALOHA FOODS.

RESPONSE:

Denied.

REQUEST NO. 4: Admit that Petitioner does not own the mark GIOVANNI'S SCAMPI SAUCE.

RESPONSE:

Denied.

REQUEST NO. 5: Admit that Petitioner does not own the mark GIOVANNI'S SCAMPI MARINADE.

RESPONSE:

Denied

REQUEST NO. 6: Admit that Petitioner does not own the mark GIOVANNI'S HOT & SPICY SAUCE.

RESPONSE:

Denied.

REQUEST NO. 7: Admit that, at the time Petitioner filed Petitioner's Applications, Petitioner was aware that Registrant claimed a right and interest in the marks that were the subjects of Petitioner's Applications.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner also objects to the extent that "time Petitioner filed Petitioner's Applications," "claimed a right and

interest in the marks” and “marks” are undefined, vague and ambiguous. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 8: Admit that Petitioner has not received a valid trademark assignment of the marks that were the subjects of Petitioner’s Applications from Registrant, or any other any person or entity.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner also objects to the extent “not received a valid trademark assignment” is undefined and vague. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 9: Admit that Petitioner has not received a valid trademark assignment of any of the Registrant’s Marks, from Registrant, or any other any person or entity.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner also objects to the extent “not received a valid trademark assignment” is undefined and vague. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 10: Admit that in 1997, Petitioner sought and received Registrant’s consent to sell shrimp, hot sauce, and scampi marinade, at either retail or wholesale, within the State of Hawaii, using the same recipe Registrant had been using since 1993.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner also objects to the extent “sought and received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “sell shrimp, hot sauce, and scampi marinade, at either retail or wholesale, within the

State of Hawaii, using the same recipe Registrant had been using since 1993” as overly broad, ambiguous, indefinite, undefined and vague. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 11: Admit that in 1997, Petitioner sought and received Registrant’s consent to use the names Giovanni’s Aloha Shrimp; Giovanni’s Scampi Sauce; and Giovanni’s Hot and Spicy Sauce; and Giovanni’s Original White Shrimp Truck in connection with selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, within the State of Hawaii.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner also objects to the extent “sought and received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, within the State of Hawaii” as overly broad, ambiguous, indefinite, undefined and vague. Furthermore, Petitioner objects to the term “names” as vague and indefinite. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 12: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI’S ORIGINAL WHITE SHRIMP TRUCK in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Kahuku location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent “received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase

“selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale” as overly broad, vague, ambiguous, indefinite and undefined.

Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 13: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI’S ORIGINAL WHITE SHRIMP TRUCK in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Haleiwa location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent “received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale” as overly broad, vague, ambiguous, indefinite and undefined and Petitioner cannot respond and therefore this request is denied.

REQUEST NO. 14: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI’S ALOHA SHRIMP in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Kahuku location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent “received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale” as overly broad,

vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 15: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI'S ALOHA SHRIMP in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Haleiwa location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent "received" is undefined, vague and ambiguous. Petitioner further objects to the term "consent" as vague, ambiguous and undefined. Further, Petitioner objects to the phrase "selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale" as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 16: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI'S HOT & SPICY SAUCE in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Kahuku location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent "received" is undefined, vague and ambiguous. Petitioner further objects to the term "consent" as vague, ambiguous and undefined. Further, Petitioner objects to the phrase "selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale" as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 17: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI'S HOT & SPICY SAUCE in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Haleiwa location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent “received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 18: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI'S SCAMPI MARINADE in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Haleiwa location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent “received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 19: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI'S SCAMPI MARINADE in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Kahuku location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent “received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 20: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI'S SCAMPI SAUCE in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Haleiwa location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent “received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 21: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI'S SCAMPI SAUCE in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, at the Kahuku location.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent “received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 22: Admit that Petitioner received the consent of Registrant to use the mark GIOVANNI'S ALOHA FOODS in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale, in 1999.

RESPONSE:

Petitioner objects to the extent this request seeks a legal conclusion. Petitioner further objects to the extent “received” is undefined, vague and ambiguous. Petitioner further objects to the term “consent” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “selling shrimp, hot sauce, and scampi marinade, at either retail or wholesale” as overly broad, vague, ambiguous, indefinite. Subject to and without waiver of the foregoing objections, this Request is denied.

REQUEST NO. 23: Admit that Registrant was using the mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK in connection with providing restaurant services and selling shrimp,

hot sauce, and scampi marinade at the Kahuku Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied..

REQUEST NO. 24: Admit that Registrant was using the mark GIOVANNI’S ORIGINALWHITE SHRIMP TRUCK in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade at the Haleiwa Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 25: Admit that Registrant was using the mark GIOVANNI’S ALOHA SHRIMP in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade at the Kahuku Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad,

vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 26: Admit that Registrant was using the mark GIOVANNI’S ALOHA SHRIMP in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade at the Haleiwa Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 27: Admit that the Registrant was using the GIOVANNI'S HOT & SPICY SAUCE mark in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade at the Kahuku Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 28: Admit that the Registrant was using the GIOVANNI'S HOT & SPICY SAUCE mark in connection with providing restaurant services and selling shrimp, hot sauce, and

scampi marinade at the Haleiwa Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined and Petitioner. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 29: Admit that Registrant was using the GIOVANNI'S SCAMPI MARINADE mark in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade at the Kahuku Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 30: Admit that Registrant was using the GIOVANNI'S SCAMPI MARINADE mark in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade at the Haleiwa Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad,

vague, ambiguous, indefinite and undefined and Petitioner. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 31: Admit that Registrant was using the GIOVANNI'S SCAMPI SAUCE mark in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade at the Kahuku Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 32: Admit that Registrant was using the GIOVANNI'S SCAMPI SAUCE mark in connection with providing restaurant services and selling shrimp, hot sauce, and scampi marinade at the Haleiwa Location prior to the execution date of the Asset Purchase Agreement executed by Petitioner and Registrant in 1997.

RESPONSE:

Petitioner objects to the term “using” as undefined, vague and ambiguous. Petitioner further objects to the phrase “selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 33: Admit that Petitioner has continuously used the marks included within Petitioner’s Applications in connection with providing restaurant services and/or selling shrimp,

hot sauce, and scampi marinade at the Kahuku location since the date of commencement of Petitioner's lease for the Kahuku property.

RESPONSE:

Petitioner objects to the term “used” as undefined, vague and ambiguous. Petitioner further objects to the phrase “and/or selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined and the time frame of the request is vague, ambiguous, indefinite, undefined and confusing. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 34: Admit that Petitioner has continuously used the marks included within Petitioner’s Applications in connection with providing restaurant services and/or selling shrimp, hot sauce, and scampi marinade at the Haleiwa location since the date of commencement of Petitioner's lease for the Haleiwa property.

RESPONSE:

Petitioner objects to the term “used” as undefined, vague and ambiguous. Petitioner further objects to the phrase “and/or selling shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 35: Admit that Petitioner has used the phrases “Established in 1993”; “Beginning in 1993”; and/or other similar variations thereof in connection with its advertising, promotion, and/or marketing of Petitioner's goods and services.

RESPONSE:

Petitioner objects to the phrase “and/or other similar variations thereof” as vague, undefined and ambiguous. Admitted.

REQUEST NO. 36: Admit that the mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK has not lost significance as an indicator of the origin of goods or services since the execution date of the Asset Purchase Agreement in 1997.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the phrase “has not lost significance as an indicator of the origin of goods or services” as vague, undefined and ambiguous. Petitioner also objects to the extent the Request suggests Registrant was the source of the goods and services when Petitioner was and is the source and this request is confusing because Petitioner adopted this mark after 1997 and the mark was not in use at the time the APA was executed. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 37: Admit that the mark GIOVANNI'S SCAMPI MARINADE has not lost significance as an indicator of the origin of goods or services since the execution date of the Asset Purchase Agreement in 1997.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the phrase “has not lost significance as an indicator of the origin of goods or services” as vague, undefined and ambiguous. Petitioner also objects to the extent the Request suggests Registrant was the source of the goods and services when Petitioner was and is the source and this request is confusing because Petitioner has not adopted this mark and the mark was not in use at the time the APA was executed and Petitioner cannot answer because it does not know whether third parties considered this as a source indicator.

REQUEST NO. 38: Admit that the mark GIOVANNI'S SCAMPI SAUCE has not lost significance as an indicator of the origin of goods or services since the execution date of the Asset Purchase Agreement in 1997.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the phrase “has not lost significance as an indicator of the origin of goods or services” as vague, undefined and ambiguous. Petitioner also objects to the extent the Request suggests Registrant was the source of the goods and services when Petitioner was and is the source and this request is confusing because Petitioner adopted this mark after 1997 and the mark was not in use at the time the APA was executed. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 39: Admit that the mark GIOVANNI'S HOT & SPICY SAUCE has not lost significance as an indicator of the origin of goods or services since the execution date of the Asset Purchase Agreement in 1997.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the phrase “has not lost significance as an indicator of the origin of goods or services” as vague, undefined and ambiguous. Petitioner also objects to the extent the Request suggests Registrant was the source of the goods and services when Petitioner was and is the source and this request is confusing because Petitioner adopted this mark after 1997 and the mark was not in use at the time the APA was executed. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 40: Admit that the mark GIOVANNI'S ALOHA SHRIMP has not lost significance as an indicator of the origin of goods or services since the execution date of the Asset Purchase Agreement in 1997.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the phrase “has not lost significance as an indicator of the origin of goods or services” as vague, undefined and ambiguous. Petitioner also objects to the extent the Request suggests Registrant was the source of the goods and services when Petitioner was and is the source and Petitioner cannot answer because it does not know whether third parties considered this as a source indicator.

REQUEST NO. 41: Admit that the mark GIOVANNI'S ALOHA FOODS has not lost significance as an indicator of the origin of goods or services since 1999.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the phrase “has not lost significance as an indicator of the origin of goods or services” as vague, undefined and ambiguous. Petitioner also objects to the extent the Request suggests Registrant was the source of the goods and services when Petitioner was and is the source and Petitioner cannot answer because it does not know whether third parties considered this as a source indicator.

REQUEST NO. 42: Admit that Petitioner's right to use any of the Registrant’s Marks, if any, arises solely from its contractual relationship with Registrant.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the phrase “right to use” as vague, undefined and ambiguous. Petitioner further objects to the contention to the extent the request suggests it has a contractual relationship with Registrant and/or any contractual relationship is ongoing. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 43: Admit that Petitioner's right to use any of the marks within Petitioner’s Applications, if any, arises solely from its contractual relationship with Registrant.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the phrase “right to use” as vague, undefined and ambiguous. Further, Petitioner objects to the contention to the extent the request suggests it has a contractual relationship with Registrant and/or any contractual relationship is ongoing. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 44: Admit that Registrant did not abandon the mark GIOVANNI’S ORIGINAL WHITE SHRIMP TRUCK.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 45: Admit that Registrant did not abandon the mark GIOVANNI’S ALOHA SHRIMP.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 46: Admit that Registrant did not abandon the mark GIOVANNI'S ALOHA FOODS.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 47: Admit that Registrant did not abandon the mark GIOVANNI'S SCAMPI MARINADE.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 48: Admit that Registrant did not abandon the mark GIOVANNI'S SCAMPI SAUCE.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 49: Admit that Registrant did not abandon the mark GIOVANNI'S HOT & SPICY SAUCE.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 50: Admit that Petitioner's use since 1997 of the marks that were the subjects of Petitioner's Applications inures to the benefit of Registrant.

RESPONSE:

Denied.

REQUEST NO. 51: Admit that Petitioner's use since 1997 of any or all of the Registrant's Marks inures to the benefit of Registrant.

RESPONSE:

Denied.

REQUEST NO. 52: Admit that the use by Registrant of Registrant's Marks has been valid and continuous since the date of first use in 1993.

RESPONSE:

Denied.

REQUEST NO. 53: Admit that the mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK is inherently distinctive and had come to identify Registrant as the source of the goods and services, in particular but without limitation restaurant services and shrimp, hot sauce, and scampi marinade, at the Haleiwa and Kahuku locations, prior to Petitioner's possession of said premises pursuant to its lease.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the term "identify" as vague and indefinite. Further, Petitioner objects to the phrase "the source of the goods and services, in particular without limitation restaurant services

and shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 54: Admit that the mark GIOVANNI'S ALOHA SHRIMP is inherently distinctive and had come to identify Registrant as the source of the goods and services, in particular but without limitation restaurant services and shrimp, hot sauce, and scampi marinade, at the Haleiwa and Kahuku locations, prior to Petitioner's possession of said premises pursuant to its lease.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the term “identify” as vague and indefinite. Further, Petitioner objects to the phrase “the source of the goods and services, in particular without limitation restaurant services and shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 55: Admit that the mark GIOVANNI'S ALOHA FOODS is inherently distinctive and had come to identify Registrant as the source of the goods and services, in particular but without limitation restaurant services and shrimp, hot sauce, and scampi marinade, prior to Petitioner's use beginning in 1999.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the term “identify” as vague and indefinite. Further, Petitioner objects to the phrase “the source of the goods and services, in particular without limitation restaurant services and shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 56: Admit that the mark GIOVANNI'S SCAMPI SAUCE is inherently distinctive and had come to identify Registrant as the source of the goods and services, in particular but without limitation restaurant services and shrimp, hot sauce, and scampi marinade, at the Haleiwa Location and Kahuku Location, prior to Petitioner's possession of said premises pursuant to its lease.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the term “identify” as vague and indefinite. Further, Petitioner objects to the phrase “the source of the goods and services, in particular without limitation restaurant services and shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 57: Admit that the mark GIOVANNI'S SCAMPI MARINADE is inherently distinctive and had come to identify Registrant as the source of the goods and services, in particular but without limitation restaurant services and shrimp, hot sauce, and scampi marinade, at the Haleiwa Location and Kahuku Location, prior to Petitioner's possession of said premises pursuant to its lease.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the term “identify” as vague and indefinite. Further, Petitioner objects to the phrase “the source of the goods and services, in particular without limitation restaurant services and shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 58: Admit that the mark GIOVANNI'S HOT & SPICY SAUCE is inherently distinctive and had come to identify Registrant as the source of the goods and services, in particular but without limitation restaurant services and shrimp, hot sauce, and scampi marinade, at the Haleiwa Location and Kahuku Locations, prior to Petitioner's possession of said premises pursuant to its lease.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the term “identify” as vague and indefinite. Further, Petitioner objects to the phrase “the source of the goods and services, in particular without limitation restaurant services and shrimp, hot sauce, and scampi marinade” as overly broad, vague, ambiguous, indefinite and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 59: Admit that at the time of filing the Petitioner’s Applications, Petitioner was aware that Registrant was raising and asserting its prior use, superior right and ownership of the trade name and marks that are the subject of such applications, against Petitioner.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the term “raising and asserting” as vague, ambiguous and undefined. Further, Petitioner objects to the phrase “superior right and ownership” as vague, undefined, and ambiguous. Furthermore, Petitioner objects to the phrase “the time of filing the Petitioner’s Applications” as vague, ambiguous, indefinite and confusing and therefore Petitioner cannot respond and therefore this request is denied.

REQUEST NO. 60: Admit that at the time of filing the Petitioner's Applications, that Registrant was communicating and negotiating with Petitioner for Petitioner's use of the trade name and mark.

RESPONSE:

Petitioner objects to the phrase "the time of filing the Petitioner's Applications" as vague, ambiguous, indefinite and confusing. Further petitioner objects to the phrase "communicating and negotiating" as vague and indefinite. Petitioner further objects to the phrase "Petitioner's use of the tradename and mark" as vague, undefined, ambiguous, overly broad, and incoherent and Petitioner cannot respond and therefore this request is denied.

REQUEST NO. 61: Admit that at the time of filing the Petitioner's Applications Registrant was disputing Petitioner's right to use or refer to the trade name and mark other than as arose from their contractual relationship.

RESPONSE:

Petitioner objects to the phrase "the time of filing the Petitioner's Applications" as vague, ambiguous, indefinite and confusing. Further, Petitioner objects to the term "disputing" as vague and ambiguous. Petitioner further objects to the phrase "Petitioner's use of the tradename and mark" as vague, undefined, ambiguous, overly broad, and incoherent and Petitioner cannot respond and therefore this request is denied.

REQUEST NO. 62: Admit that the APA is authentic.

RESPONSE:

Admitted.

REQUEST NO. 63: Admit that when entering into the APA, Petitioner acknowledged and Registrant was required to warranty that it was the only individual or entity that owned any rights to Giovanni's Aloha Shrimp, the Giovanni's Scampi and Giovanni's Hot and Spicy Sauces and that it had the full right to contract with Petitioner as to any agreement regarding the sale and use of said sauces (Para. 5E).

RESPONSE:

Petitioner objects to this Request to the extent it seeks a legal conclusion. Petitioner further objects to the phrase "required to warranty" as undefined, vague, confusing and ambiguous. Further, Petitioner objects to this Request to the extent it implies Petitioner was a party to the APA. Furthermore, Petitioner objects to this Request to extent it implies Registrant was the sole party warranting rights. Petitioner further objects to this Request to extent the request uses the term "it" as nonsensical and confusing. Petitioner further objects to this Request to the extent it attempts to expand upon the writing of the APA Paragraph 5E. Subject to and without waiver of the foregoing Objections, Petitioner admits only that it agreed to Paragraph 5E of the APA.

REQUEST NO. 64: Admit that the Parties executed an Amendment to the APA and that the document that is attached as "Exhibit A" is a genuine and authentic copy of the Amendment that was made to the APA.

RESPONSE:

Denied.

REQUEST NO. 65: Admit that Petitioner is contractually (a) proscribed from using the marks outside of Hawaii, (b) proscribed from registering the marks outside of Hawaii; (c) obligated to sell at least a half pound of shrimp in the plate lunches sold by Buyer; (d) obligated to use the

same scampi sauce and hot and spicy sauce that the Registrant used as marination and sauces for the shrimp sold by Petitioner after acquiring the Registrant's business, (e) and trained by Registrant.

RESPONSE:

Petitioner objects to this request to the extent it requires multiple responses and to the extent it is vague, indefinite and confusing and suggests Petitioner was a party to the APA and has any ongoing contractual relationship with Registrant. Petitioner further objects to the term "marks" as vague, indefinite, and undefined. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 66: Admit that Petitioner has maintained the portion size as contractually required.

RESPONSE:

Petitioner objects to this Request to the extent it seeks a legal conclusion. Petitioner further objects to the term "portion size" as undefined, vague, indefinite and confusing and suggests Petitioner has any contract with Registrant and thus Petitioner cannot respond and therefore this request is denied.

REQUEST NO. 67: Admit that Petitioner has maintained the overall quality of the food and services that it provides since 1997.

RESPONSE:

Petitioner objects to the terms "Petitioner" and "maintained" as vague, indefinite and undefined. Petitioner further objects to the term "overall quality" as vague, indefinite and undefined and the time frame of the request is also vague, ambiguous, indefinite, undefined and confusing and thus Petitioner cannot respond and therefore denies this request.

REQUEST NO. 68: Admit that Petitioner serves largely the same menu items that were served prior to 1997.

RESPONSE:

Petitioner objects to this request to the extent it uses the term “largely” as vague, ambiguous and indefinite and Petitioner cannot respond and therefore this request is denied.

REQUEST NO. 69: Admit that Petitioner continues to sell shrimp using the same sauce recipes to present date.

RESPONSE:

Petitioner objects to this request to extent it calls for an admission of information in the possession of others. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 70: Admit that Petitioner has represented to the public that it is a continuation of the same business that Registrant operated starting in 1993.

RESPONSE:

Petitioner objects to the phrases “Registrant” and “represented to the public” as vague and indefinite. Petitioner further objects to the phrases “continuation,” “same business” and “operated” as vague, ambiguous and undefined, and objects to the extent the phrase “same business” suggests an ongoing relationship with Registrant or that Registrant was the sole owner and/or operator of a business going back to 1993 and/or that Registrant has been operating a business since 1993. Petitioner cannot respond and therefore this request is denied

REQUEST NO. 71: Admit that under the history tab on Petitioner’s website giovannishrimptruck.com Petitioner includes a history of the company by way of a timeline and that the first date on the timeline is 1993 and Petitioner’s website states: “Giovanni's started

operating out of a converted 1953 bread truck without much more than a few recipes for great shrimp and an entrepreneurial spirit. We drove our beloved truck around the North Shore stopping along the side of the road for a couple hours at each stop to share what we thought was some pretty special food- turns out, we were the only shrimp truck around. Locals took notice and word began to spread about the delicious shrimp...”

RESPONSE:

Admitted.

REQUEST NO. 72: Admit that Petitioner advertises on Facebook that it was “Founded in 1993.”

RESPONSE:

Admitted.

REQUEST NO. 73: Admit that Registrant used the Giovanni’s Aloha Shrimp, Giovanni’s Original White Shrimp Truck, Giovanni’s Hot and Spicy Sauce, Giovanni’s Scampi Sauce names to establish himself in the trade and to gain customer acceptance.

RESPONSE:

Denied.

REQUEST NO. 74: Admit that Registrant used the “Giovanni’s Original White Shrimp Truck” signage depicted below Para. 13 of the Petition for Cancellation to advertise its business prior to 1997.

RESPONSE:

Denied.

REQUEST NO. 75: Admit that Registrant used the Giovanni’s Original White Shrimp Truck depicted below Para. 13 of the Petition for Cancellation to advertise its business prior to 1997.

RESPONSE:

Petitioner objects to the extent Registrant titles the truck depicted in paragraph 13 of the Petition for Cancellation as Giovanni's Original White Shrimp Truck as undefined, improper, and appears to seek a legal conclusion. Petitioner further objects to this request to the extent Registrant implies he was the sole user of the truck depicted below paragraph 13 in the Petition for Cancellation prior to 1997. Petitioner further objects to the use of the term "its" as undefined, ambiguous and confusing considering the fact that Registrant is an individual. Petitioner further objects to the extent the truck depicted in paragraph 13 has been modified in appearance since 1997. Petitioner further objects to the extent the request uses the phrase "to advertise its business prior to 1997" as Petitioner's truck depicted in paragraph 13 of the Petition for Cancellation has been modified since Petitioner purchased the asset depicted. Petitioner also objects to the extent it calls for an admission regarding information in possession of others. Subject to and without waiver of the foregoing objections, Petitioner admits it is the same truck Petitioner purchased in the asset purchase agreement. Subject to and without waiver of the foregoing Objections, this request is denied

REQUEST NO. 76: Admit that, apart from the APA and the Amendment attached hereto as Exhibit A, the Parties have not entered into any other written agreement that pertains to the Registrant's Marks, or the other rights and obligations contained within the APA.

RESPONSE:

Petitioner has already denied that it entered into or signed Exhibit A and therefore Petitioner objects to this request. Subject to and without waiver of the foregoing, Petitioner denies this request.

REQUEST NO. 77: Admit that, in 1997, Petitioner paid Registrant a lump-sum payment of \$120,000 as required under the terms of the APA.

RESPONSE:

Petitioner objects to the term “lump-sum payment” as vague and indefinite. Subject to and without waiver of the foregoing Objections, Petitioner admits that Nitsche Enterprises, Inc., paid John Aragona and Connie Aragona the \$120,000 specified in the APA.

REQUEST NO. 78: Admit that Petitioner paid the lump-sum consideration in part for the right to use the Registrant’s Marks, either in the identical form thereof or in near resemblance thereto.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the term “lump-sum payment” as vague and indefinite. Further, Petitioner objects to the phrase “consideration in part for the right to use the Registrant’s Marks” as vague and indefinite. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 79: Admit that Petitioner paid the lump-sum consideration in part for the right to use the marks that are the subject of Petitioner’s Applications, either in the identical form thereof or in near resemblance thereto.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects to the term “lump-sum payment” as vague and indefinite. Further, Petitioner objects to the phrase “consideration in part for the right to use the marks” as vague and indefinite. Petitioner further objects to the phrase “either in the identical form thereof or in near resemblance thereto” as vague and indefinite. Subject to and without waiver of the foregoing objections, this request is denied.

REQUEST NO. 80: Admit that the name “Giovanni’s” in Petitioner’s shrimp truck business and the shrimp and sauces that Petitioner sells were named after and refers to John “Giovanni” Aragona.

RESPONSE:

Denied.

REQUEST NO. 81: Admit that Petitioner is not commonly known as “Giovanni.”

RESPONSE:

Petitioner objects to the phrase “not commonly known as” as vague and indefinite. Petitioner further objects to this request as the term “Petitioner” as vague and undefined as it appears to indicate Petitioner is a person and is contrary to the Registrant’s definition. Petitioner admits that its business and goods/services are known as and/or referred to in part as “Giovanni’s.”

REQUEST NO. 82: Admit that Registrant is publicly connected with Petitioner’s shrimp truck business and the shrimp and sauces that Petitioner sells.

RESPONSE:

Petitioner objects to this request to the extent the phrase “publicly connected” is undefined, vague and ambiguous. Subject to and without waiver of these Objections, this request is denied.

REQUEST NO. 83: Admit that Registrant did not ask Petitioner to discontinue using Registrant’s Marks until after Petitioner filed US Trademark Applications in December of 2010.

RESPONSE:

Petitioner objects to this request to the extent it seeks a legal conclusion. Petitioner further objects that “US Trademark Applications in December of 2010” is undefined. Petitioner

further objects to the extent the request suggests Registrant had the right to make any requests or Petitioner. Subject to and without waiver of the foregoing Objections and to the extent Petitioner can understand this request, it is admitted.

REQUEST NO. 84: Admit that when Petitioner filed the US Trademark Application for the GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK mark (Serial Number: 85201283) on December 18, 2010, Petitioner knew of Registrant's prior use of and rights to the mark, either in the identical form thereof or in near resemblance thereto.

RESPONSE:

Petitioner objects to the phrase "knew of Registrations prior use of and rights to the mark" as vague and indefinite. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 85: Admit that when Petitioner filed the US Trademark Application for the GIOVANNI'S ALOHA SHRIMP mark (Serial Number: 85201288) on December 18, 2010, Petitioner knew of Registrant's prior use of and rights to the mark, either in the identical form thereof or in near resemblance thereto.

RESPONSE:

Petitioner objects to the phrase "knew of Registrations prior use of and rights to the mark" as vague and indefinite. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 86: Admit that when Petitioner filed the US Trademark Application for the GIOVANNI'S ORIGINAL HOT SAUCE mark (Serial No.: 85219370) on January 17, 2011, Petitioner knew of Registrant's prior use of and rights to the mark, either in the identical form thereof or in near resemblance thereto.

RESPONSE:

Petitioner objects to the phrase “knew of Registrations prior use of and rights to the mark” as vague and indefinite. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 87: Admit that when Petitioner filed the US Trademark Application for the GIOVANNI'S ORIGINAL SCAMPI SAUCE mark (Serial Number: 85219363) on January 17, 2011, Petitioner knew of Registrant’s prior use of and rights to the mark, either in the identical form thereof or in near resemblance thereto.

RESPONSE:

Petitioner objects to the phrase “knew of Registrations prior use of and rights to the mark” as vague and indefinite. Subject to and without waiver of the foregoing Objections, this request is denied.

REQUEST NO. 88: Admit that Registrant has legal rights to Registrant’s Marks superior to Petitioner’s trademark rights.

RESPONSE:

Denied.

REQUEST NO. 89: Admit that Petitioner failed to disclose Registrant’s legal rights to the marks that were the subject of Petitioner’s Applications when Petitioner filed Petitioner’s Applications.

RESPONSE:

Denied.

DATE: September 24, 2013

s/Jennifer Fraser/

Jennifer Fraser

Daniel Mullarkey

NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP

1875 Eye Street, NW

11th Floor

Washington, DC 20006

(202) 659-0100 Telephone

(202) 659-0105 Facsimile

Attorneys for Petitioner,

LuckyU Enterprises, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September 2013 a true and correct copy of the foregoing **Petitioner's Responses to Registrants First Request for Admissions** was served by First Class Mail, postage prepaid, on Respondent's Counsel, Jamie N. Pitts, The Law Office of Jamie N. Pitts, 1064 N. Tamiami Trail, STE 1533, Sarasota, FL 34236, with a courtesy copy served via e-mail to JAMIENPITTS@jnplawfirm.com.

s/Daniel Mullarkey/

Exhibit D. Web Page Print-Outs



What began as an unknown shrimp truck on Oahu's North Shore —

Became a Legend!

You no longer have to travel to Hawaii —
to *Get a Taste of Aloha!*



About Giovanni's Aloha Foods and Our Famous Shrimp Sauce!

**What began as an unknown, white shrimp truck on Oahu, Hawaii's North Shore —
Became a Legend ...**

Known for it's succulent shrimp morsels served up hot and tasty, Giovanni's Aloha Foods has been pleasing palettes since 1997. Giovanni's Hot & Spicy Sauce, a sauce almost as hot as volcanic lava, has been known to bring customers to their knees; while the mild, but flavor-packed, Giovanni's Scampi Marinade has brought nothing but delight to customers. AND NOW [YOU CAN BUY IT IN A BOTTLE](#). Made in the USA

Learn about our licensing opportunities! [Contact us for more information.](#)

Giovanni's Aloha Foods is a member of the [National Association for the Specialty Food Trade](#).



1997 Scovie Award 1st place winner of Scampi Marinade (pictured above);
Scovie Award 2nd place winner of Hot & Spicy Sauce

Our Customers Say

"Our friend told us to stop at the "White Shrimp Truck" in Kahuku, and we're glad we did! The garlic scampi was our family's overall favorite, and I loved the Hot & Spicy, I really mean it! I collect hot sauce from all over the place, Barbados to Belize, Louisiana to Los Angeles, and your secret African Roots and spice are truly unique. I can't wait till you start bottling it."

— Eddie, Terry & Jacob Coleman, Venice, Calif.

"We think your shrimp scampi is the best we have eaten anywhere."

— Jim & Mary Jane West Lufkin, Texas

"Still looking forward to seeing you and having your famous shrimp sauces."

— Gerda Vienna, Austria

"The thing I miss most is my shrimp fix."

— Pat & Clyde Jacobs Vancouver, Canada

"We enjoyed the best shrimp of Oahu."

"Thanks for serving some of Oahu's finest, tastiest, freshest shrimp scampi. We really enjoyed dining daily at the white shrimp truck, during our recent



– Ann & Eric Appelt Nurnberg, Germany

vacation. Your shrimp is the BEST!"

– Harry & Rochelle Pillion, University Heights,

"You have been one of "A list" stops on our list of must see sights on Oahu As always it was the most scrumptious meal."

"I miss talking to you and eating your incredible shrimp. I'll see you soon in paradise."

– Yasser Alexandria, Egypt

– Lou Harris San Mateo, California



"Best shrimp ever!"

"The hottest shrimp ever!"

– Yuki, Tokyo, Japan

– Allan Ciaport, Montpellier, France

"Just to let you know we marinated 2 lb. 31/40 shrimp in the Giovanni scampi sauce and put them on the grill screen at medium heat 4 minutes on each side. Then we put them back in your sauce and served them. At first bite my brother-in-law said "WOW !!!! GET ME A CASE OF THIS SAUCE". Thank you Giovanni."

– Mike Antonelli

"I'm a shrimp truck addict for 12 years - nothing but Giovanni's! I didn't eat at the truck the first time I saw it (2000). It was just a truck melted into the dirt - covered in graffiti. Boy am I glad I asked someone if the legend was true - I went back to the truck and got my first taste of what has become my number one "to do" when I arrive for vacation!! Just so you know - everyone that's come to the truck after 2000.. it was me that sent them!! I know - you wondered where all those people came from. What can I say - when I like something - I tell everyone."

– Mike, Portland, Oregon

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What began as an unknown shrimp truck on Oahu's North Shore —

Became a Legend!

You no longer have to travel to Hawaii —
to *Get a Taste of Aloha!*



[Home](#) [About Us](#) [Recipes](#) [Shop Online](#) [Contact Us](#)

Buy Giovanni's Sauces Online!

Category [Store](#)

View as: [Grid](#) [List](#) [Table](#) Sort by [Price: low to high](#)



Giovanni's Hot & Spicy Sauce
SKU 1195100971
\$6.95



Giovanni's Scampi Marinade
SKU 1195100969
\$7.95

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SUBSCRIPTIONS

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all 5,495 views

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Add channel art

giovannissauces

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Share your thoughts

All activities

giovannisalohafoods uploaded and liked

The Original Giovanni's Shrimp Scampi!!!

2 years ago · 6,497 views


This is the REAL DEAL! How to prepare Giovanni's FAMOUS SHR MP SCAMPI with Giovanni's Shrimp Marinade from the North Shore of Oahu! ENJOY! Place your orde


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.....
Forgot

 Giovanni's Shrimp Truck - ... Timeline



56-505 Kamehameha Highway
Kahuku, Hawaii 96731
Always open
Phone (808) 293-1839
Email giovannisshrimptruck@gmail.com
Website http://www.giovannisshrimptruck.com

About

The Original Shrimp Truck serving the island since 1993

Description

Giovanni's started operating out of a converted 1953 bread truck without much more than a few recipes for great shrimp and an entrepreneurial spirit. We drove our beloved truck around the North Shore stopping along the side of the road for a couple hours at each stop to share what we thought was some pretty special food- turns out, we were the only shrimp truck around. Locals took notice and word began to spread about the delicious shrimp...

Basic Info

Founded	1993
Food Styles	Seafood
Price Range	\$\$ (10-30)
Specialties	Lunch Dinner
Attire	Casual
Services	Walk-Ins Welcome Good For Groups Good For Kids Outdoor Seating
Parking	Street Parking Lot
Payment Options	Cash Only

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5,299 likes · 77 talking about this · 1,977 were here

About



 5,29


Photos

Likes

Highlights

March 30

👍 149 💬 26 📄 11

January 1 

Whenever we return to Hawaii –
 2 - Saturday at 5:11pm

Happy New Year to all of you from Giovanni's..... Wish you had the shrimp plate for your headache? Have a great 2013.

Like · Comment

272 25



Giovanni's Shrimp Truck - North Shore, Oahu
December 25, 2012

Happy Holidays to all from Giovanni's.....

Like · Comment

160 5 1



Giovanni's Shrimp Truck - North Shore, Oahu
November 21, 2012

On behalf of everyone at Giovanni's, I want to wish you all a Happy Thanksgiving.....

Like · Comment

301 30



Giovanni's Shrimp Truck - North Shore, Oahu
September 8, 2012

Giovanni's Shrimp Truck will be at the Ho'olaule'a Festival on 09/15/2012 and Waikiki (Sunset on the Beach festival) 09/23/2012. Hope to see you there.

Like · Comment

146 18 1



Giovanni's Shrimp Truck - North Shore, Oahu changed their cover photo.
March 20, 2012



Like · Comment · Share

55 20 33



Hawai'i - Stolen Paradise: A Tr
Can you tell me anything about
Saturday at 1:03pm



Reggae Sounds
Mahalo for the ono grinds tod
1 · August 5 at 12:39am

More Posts ▾

Recommendations



Robin Kiser
★★★★★ Absolutely GREAT
5 2 · about a week ago



Reggae Sounds
Ono grinds!!! never a disappoint
1 · about a week ago



Mamoru Harada
★★★★★ the best lunch for
2 · about 3 weeks ago



Jonathon Cowley-Thom
★★★★★ Had the scampi an
about a month ago

See More ▾



Giovanni's Shrimp Truck - North Shore, Oahu
S Tubera's photo.
April 11, 2012

What a great looking hot dog... HA

Garlic Hot Dog from Giovanni's S
Shore, Oahu



Giovanni's Shrimp Truck - North Shore, Oahu shared a link.
December 4, 2011

Giovanni's was featured on The Travel Channel's Man v Food Oahu Episode! We are so proud and we hope you enjoy!! <http://www.travelchannel.com/tv-shows/man-v-food/episodes/oahu>



Oahu Man vs Food Nation
www.travelchannel.com

Adam Richman is on the island of Oahu for some Hawaiian-style hot dogs and spicy and scampi-flavored shrimp. His trip concludes when he

Like · Comment · Share

101 37



Like · Comment · Share



Giovanni's Shrimp Truck - North Shore, Oahu
November 24, 2011

I wanted to wish everyone a HAPPY THANKSGIVING.....

Like · Comment

54 28



Giovanni's Shrimp Truck - North Shore, Oahu
December 1, 2011

Man vs food episode aired last night

Like · Comment



Giovanni's Shrimp Truck - North Shore, Oahu
May 9, 2011

The winner will have their picture & name in the article, plus two free shrimp plates when they go back to the truck. Don't forget to also upload your pictures with a message to the website www.giovanisshrimptruck.com
Thank You,
Troy

Like · Comment

16 9



Giovanni's Shrimp Truck - North Shore, Oahu
November 7, 2011


Let's go everyone... Want to see more? Visit the website so I can see all ur pret...

Like · Comment



Giovanni's Shrimp Truck - North Shore, Oahu
link.
May 9, 2011

The website is up and running and

 May 8, 2011

Happy Mother's Day to all the mom's out there for all you do for the family and to the rest give her flowers more often then today.

Like · Comment

30 2



Giovanni's Shrimp Truck – North Shore, Oahu shared a link.

March 26, 2011

We at Giovanni's would like to thank Steve Sheranian and his wife for creating this Facebook page two years ago for our loyal customers. Giovanni's is coming out of the stone age and into the digital age with a website and more interaction with our customers. Please let us know your ideas, feedback or anything you think will make us better. Also, start downloading your pictures on the website when it is up.

<http://www.giovanisshrimptruck.com/>
www.giovanisshrimptruck.com

Like · Comment · Share

37 21



Giovanni's Shrimp Truck – North Shore, Oahu

November 11, 2008

Giovanni's (7 photos)

everyone. Philippine Airlines wants Giovanni's Shrimp Truck and they so I wanted to offer it to all of our submit all your pictures to info@gi but they must be is high resolution length of 6 inches.



Giovanni
www.giovanisshrimptruck.com

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Giovanni's Shrimp Truck – North Shore, Oahu

March 26, 2011



Like · Comment · Share



Like · Comment · Share

👍 24 💬 29 📄 1

2008



Joined Facebook

November 11, 2008





Giovanni's Shrimp Truck



1352 REVIEWS

Categories: Seafood, Food Stands

56-505 Kamehameha Hwy
Kahuku, HI 96731

(808) 293-1839

giovannisshrimptruck.com

Announcement

Giovanni's Shrimp Truck will be at the Blaisdell Center for the Hawaii Ocean Expo April 13th and 14th...

Hours:

Mon-Sun 10:30 am - 6:30 pm

Good for Kids: Yes

Accepts Credit Cards: No

Parking: Street, Private Lot

Attire: Casual

Good for Groups: Yes

Price Range: \$\$

Takes Reservations: No

Delivery: No

Take-out: Yes

Waiter Service: No

Outdoor Seating: Yes

Wi-Fi: No

Good For: Lunch

Alcohol: No

Noise Level: Average

Ambience: Casual, Touristy

Has TV: No

Caters: No

Wheelchair Accessible: Yes



People Who Viewed This Also Viewed...



Macky's Sweet Shrimp Truck

466 reviews

"Their garlic butter shrimp plate is soooo yummy."



Romy's Kahuku Prawns & Shrimp

460 reviews

"So worth the drive for the fresh butter garlic prawns."



Famous Kahuku Shrimp Truck

126 reviews

"Just the right amount of garlic and butter, and not too heavy."



Giovanni's Shrimp Truck

438 reviews

"The Shrimp Scampi is the most popular and is hands down the best."



Fumi's Kahuku Shrimp

223 reviews

"garlic butter and spicy garlic butter were amazing."

About This Business Provided by business

Specialties

Shrimp Scampi: This garlicky delight has made Giovanni's famous world-wide. A dozen shrimp marinated in a secret sauce, served with two scoops of rice all drizzled with a garlic lemon butter and caramelized chunks of tasty garlic.

The "NO REFUNDS" Hot & Spicy Shrimp: This entrée's name may include a special warning and it may be the big joke on the island - but it really does hurt so good. A dozen plump, juicy shrimp cooked shell-on and smothered in a fiery hot tasty red sauce served with two scoops of rice. Mouth blistering hot, but oh so yummy.

History

Established in 1993

As the story goes in 1993 Ed Hernandez from El Paso, TX had a marker and wanted to make his mark on the shrimp truck. After the shrimp truck was closed. The employees noticed the signature and decided to leave it on the truck. The following day a few more signatures with pictures appeared and their started what has become thousands and thousands of customers leaving their mark on the shrimp truck. In 1996, we decided to park the truck at 56-505 Kamehameha highway in beautiful, historic Kahuku town. In 1997 we opened a second truck on the edge of what was then an overgrown, swampy field at 66-472 Kamehameha highway in Haleiwa town. Back then, no one wanted that land, now it's one of the busiest spots in Haleiwa! Our truck there will forever be known know as "Across the street from McDonald's".

Meet the Manager Jorge A.



Markeing Manager

Flag as inappropriate



Famous Kahuku Shrimp



doctors, Information Technology and other possible related

◦ **Playpower – car DVD, car AUDIO/VIDEO, CAR PC/GPS NAVIGATION, MP3/MP4**

PlayPower. Which have been become to be well uersed in with the latest technology in car system. We are an Internationa well-known enterprise which is subject to research .

◦ **OMAN STEEL FACTORY .L.L.C**

OMAN STEEL FACTORY .L.L.C operates in Dubai, This business organization is involved in Silos Manufacturing and other possible related aspects. Contact Details OMAN STEEL FACTORY .L.L.C Country United



[View Larger Map](#)

Company Overview

Easy Bookkeeping Software

Outright.com/Self Employed

Bookkeeping So Easy It's Automatic! It's Free - No Payment Necessary.



\$0.99 Domain at Go Daddy

GoDaddy.com

Why Pay More? Compare Us! Free Hosting w/Site Builder & More.



Intellectual Property

local.sfgate.com

We Protect You And Your Property Let Us Represent You-Call Us Today!



Enforce Your Trademark

www.TheTrademarkCompany.com

Don't Let Others Steal Your Mark Free Consultation (800) 906-8626



AdChoices

Giovannis Aloha Foods« [Diamond Head Seafood CoHUCK Finns Restaurants](#) »

Giovannis Aloha Foods operates in PAPAIKOU, Hawaii, This business organization is involved in Food Restaurant and other possible related aspects.

Contact Details

Giovannis Aloha Foods

Country

United States

State

Hawaii

City

PAPAIKOU

Street

96-1362 Waihona Street

Postal Code/Zip Code

96781

Contact Person

Aragona John

Tel

1-888-923-9494

Fax

Company Website

GIOSAUCES.COM

Company E-Mail

giovanni@hawaii.rr.com

Related Companies

[Espresso Hawaii – Aloha Coffee](#) Espresso Hawaii – Aloha Coffee operates in KIHEI, Hawaii, This business organization is involved in Food Restaurant and other possible related aspects. Contact Details Espresso Hawaii – Aloha Coffee Country United States State Hawaii City KIHEI Street 1993...

[Aloha Hawaiian Vacations/Overman Tours I](#) Aloha Hawaiian Vacations/Overman Tours I operates in HONOLULU, Hawaii, This business organization is involved in Cruise Travel Vacation and other possible related aspects. Contact Details Aloha Hawaiian Vacations/Overman Tours I Country United States State Hawaii City HONOLULU Street...

[Aloha Discovery Exchange](#) Aloha Discovery Exchange operates in KAILUA, Hawaii, This business organization is involved in Finance and other possible related aspects. Contact Details Aloha Discovery Exchange Country United States State Hawaii City KAILUA Street 1030 Aoloa Place #203-B – Kailua...

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ME SECTIONS HISTORY NEWS & PRESS STORE



GIOVANNI'S ON:



OUR HISTORY

AS THE STORY GOES IN 1993 ED HERNANDEZ FROM EL PASO, TX HAD A MARKER AND WANTED TO LEAVE HIS MARK ON THE SHRIMP TRUCK. AFTER THE SHRIMP TRUCK WAS CLOSED, THE EMPLOYEES NOTICED THE SIGNATURE AND DECIDED TO LEAVE IT ON THE TRUCK. THE FOLLOWING DAY A FEW MORE SIGNATURES WITH PICTURES APPEARED AND THEIR STARTED WHAT HAS BECOME THOUSANDS AND THOUSANDS OF CUSTOMERS LEAVING THEIR MARK ON THE SHRIMP TRUCK.

THE BEGINNING

1993



Giovanni's started operating out of a converted 1953 bread truck without much more than a few recipes for great shrimp and an entrepreneurial spirit. We drove our beloved truck around the North Shore stopping along the side of the road for a couple hours at each stop to share what we thought was some pretty special food- turns out, we were the only shrimp truck around. Locals took notice and word began to spread about the delicious shrimp...

1995-1997



In 1996, we decided to park the truck at **56-505 Kamehameha** highway in beautiful, historic Kahuku town. In 1997 we opened a second truck on the edge of what was then an overgrown, swampy field at **66-472 Kamehameha** highway in Haleiwa town. Back then, no one wanted that land, now it's one of the busiest spots in Haleiwa! Our truck there will forever be known as "Across the street from McDonald's". Now that we were parked, our guests started to sign our truck so they'd be sure and see their signature the next time they visited!

1999



We started to enter national and international food show contests for our delicious and unique recipes. We have won multiple awards for our Hot & Spicy sauce and our Scampi Marinade!



